

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

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3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> 1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the ?? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality [database to collect identity documents] already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

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			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
:
HAMEED KHALID DARWEESH and :
HAIDER SAMEER ABDULKHALEQ :
ALSHAWI, on behalf of themselves and others :
similarly situated, :

Petitioners, :

- against - :

DONALD TRUMP, President of the United :
States; U.S. DEPARTMENT OF :
HOMELAND SECURITY ("DHS"); U.S. :
CUSTOMS AND BORDER PROTECTION :
("CBP"); JOHN KELLY, Secretary of DHS; :
KEVIN K. MCALEENAN, Acting :
Commissioner of CBP; JAMES T. :
MADDEN, New York Field Director, CBP,, :

Respondents. :

----- X
ANN DONNELLY, District Judge.

On January 28, 2017, the petitioners filed an Emergency Motion for Stay of Removal on behalf of themselves and others similarly situated.

IT APPEARING to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and the hearing held on the 28th of January, 2017,

1. The petitioners have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

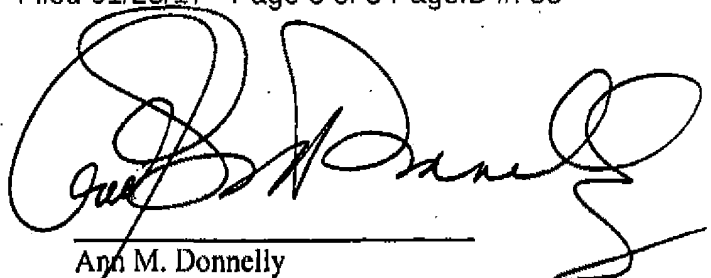
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for Stay of Removal.

WHEREFORE, IT IS HEREBY ORDERED that the respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, are

ENJOINED AND RESTRAINED from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

SO ORDERED.



Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
January 28, 2017

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(b)(5)

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8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
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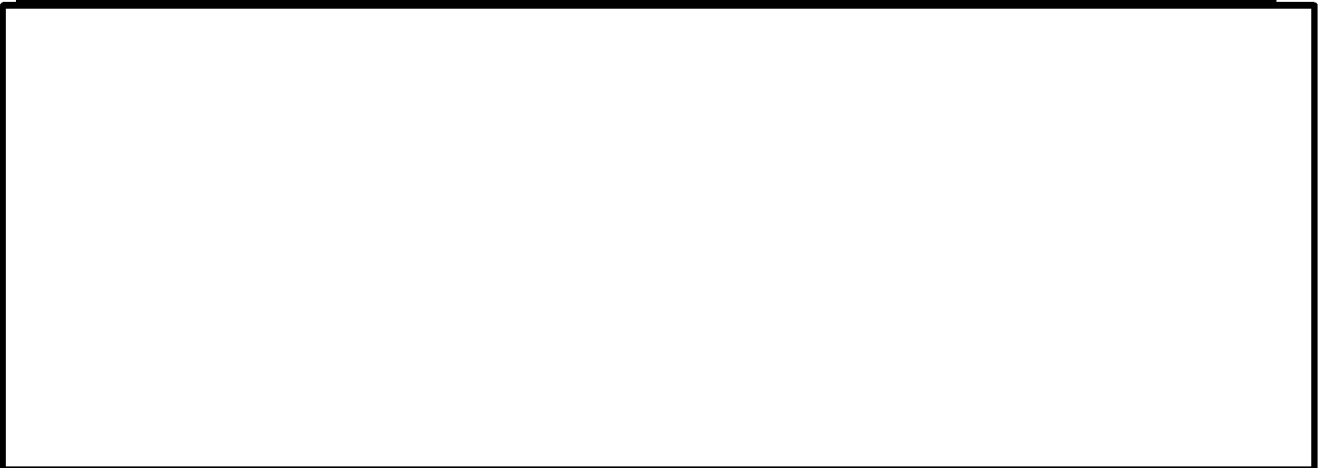
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11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2]

Deshommes, Samantha L

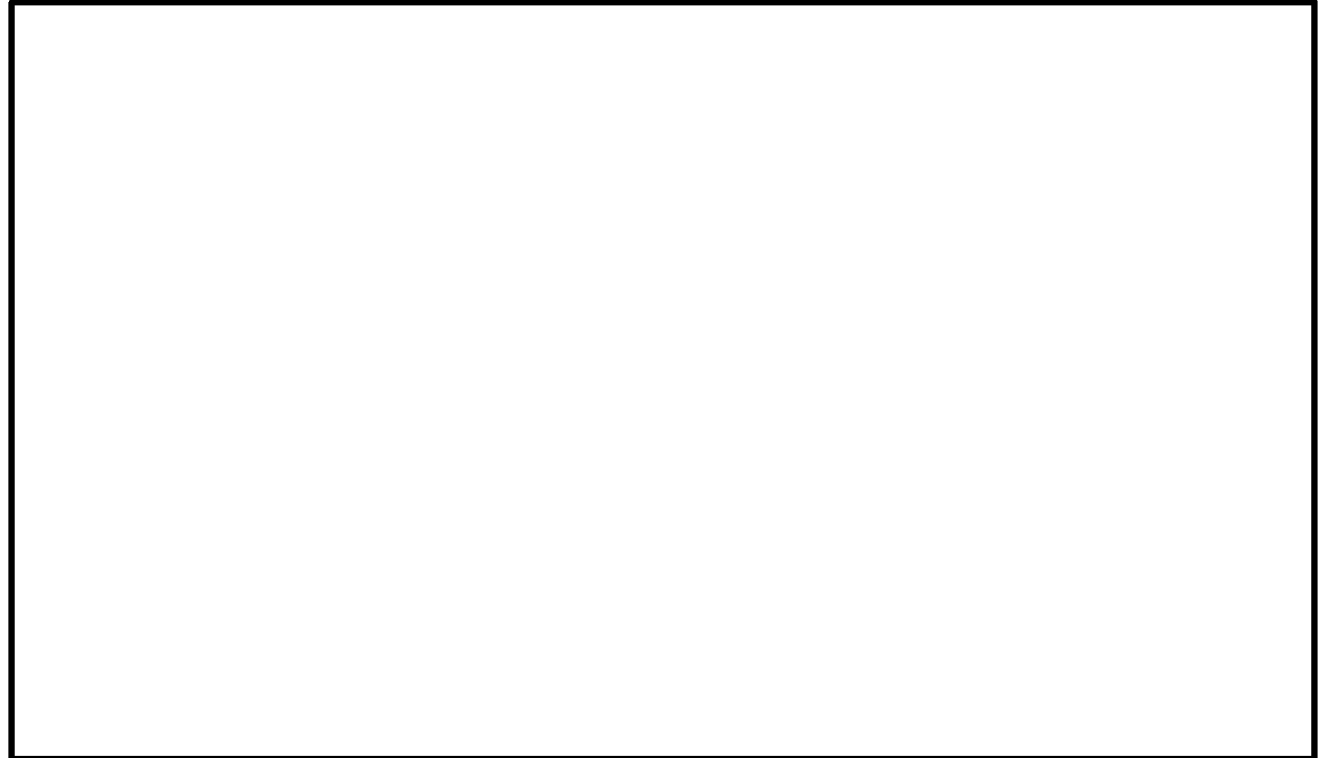
1/29/2017 3:36:00 PM



Page 3: [2] Comment [SLD3]

Deshommes, Samantha L

1/29/2017 3:11:00 PM



(b)(5)

Gillispie, Anna E

From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 8:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security



(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar,

Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

(b)(6)

From: Ruppel, Joanna

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel

Chief, International Operations Division

U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 8:15 PM
To: Levine, Laurence D; Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

DHS HQ has been busy with press releases today on the EO. See link below to the DHS.gov site for the 4 press releases issued today.

<https://www.dhs.gov/news-releases>

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS



(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security



(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna);

Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

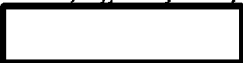
Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy



(b)(6)

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 3:31 PM

To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommies, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommies, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[REDACTED]

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of

foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
Tel [REDACTED]

(b)(6)

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To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

(b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:19 PM
To: Cummings, Kevin J; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

Nice - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:08:18 PM
To: Levine, Laurence D; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: [Executive Order](#). Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Thanks to Steven, here is the ECN link to the document.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommies, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division

Office of Policy and Strategy, U.S. Citizenship and Immigration Services

Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

Gillispie, Anna E

From: Viger, Steven W
Sent: Sunday, January 29, 2017 6:10 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

I checked and all OPS folks should have access. Need to clean up the permissions after all the EA crap.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529



(b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:09 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Thanks!

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:06 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

I will double-check but management should already have access.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529

(b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:04 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Thanks man. I need you to show me how to do it. Those who would need access—at least initially-- would be the OP&S management team highlighted below and all of us.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: [Executive Order](#). Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW

(b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 5:21 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: FW: Executive Order
Importance: High

Is giving various people editing permission for the ECN link a hassle? Thanks man.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin


Kevin J. Cummings
Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order


And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

 (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

Gillisple, Anna E

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:08 PM
To: Levine, Laurence D; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link
Importance: High

From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: [Executive Order](#). Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Thanks to Steven, here is the ECN link to the document.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Deshommes, Samantha L

Sent: Sunday, January 29, 2017 3:58:09 PM

To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[REDACTED]

(b)(6)

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 3:31 PM

To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 3:28:37 PM

To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 2:39 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:



[REDACTED]

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L

Sent: Saturday, January 28, 2017 11:21:12 AM

To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S

Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:06 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Let me add you to the string along with the link, and then if anyone needs access they can say so. Thanks!

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:06 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

I will double-check but management should already have access.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529

 (b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:04 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Thanks man. I need you to show me how to do it. Those who would need access—at least initially-- would be the OP&S management team highlighted below and all of us.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: [Executive Order](#). Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529

 (b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 5:21 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: FW: Executive Order
Importance: High

Is giving various people editing permission for the ECN link a hassle? Thanks man.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy

Department of Homeland Security

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From: Deshommes, Samantha L

Sent: Sunday, January 29, 2017 3:58 PM

To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

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Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

 (b)(6)

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 3:31 PM

To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

(b)(6)

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Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Prelogar, Brandon B

Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[REDACTED]

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.


—Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order


Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy


(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Diy. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]

(b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]

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Subject: RE: Executive Order

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

(b)(6)

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Subject: RE: Executive Order

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--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order


And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

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From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS

Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 3:02 PM
To: Deshommes, Samantha L; Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Great comment, Sam and Jerry.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

 (b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

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Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Sent: Sunday, January 29, 2017 2:39 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

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Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommies, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

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(b)(5)



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Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

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Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

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Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

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Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

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Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lissette E
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I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lissette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
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5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Sent: Friday, January 27, 2017 8:00 PM
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Cc: Renaud, Tracy L; McCament, James W
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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

(b)(6)

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Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 1:19:08 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Prelogar, Brandon B

Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
Tel: [REDACTED] (b)(6)

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Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services

Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]
[REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]

(b)(5)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

[illegible]

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality (database to collect identity documents) already exist and be implemented? Would these (amended application forms) be internal worksheets and not OMB cleared changes to existing forms? (Regarding mechanism to ensure applicant's claimed identity) Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5, Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6: Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7: Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8: Visa Interview Security: DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9: Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10: Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM



Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM



(b)(5)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 2:02 PM
To: Deshommes, Samantha L; Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks Sam and fair point

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:59:57 PM
To: Tynan, Natalie S; Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, he did but even on Meet the Press he seemed to waiver on that point and stressed the discretion that CBP has to take additional steps. Looking at the EO and providing RCD questions/comments now.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

 (b)(6)

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From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 2:58 PM
To: Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, Priebus announced that on the news today. I don't know that there is an official release.

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:57:33 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

[REDACTED] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

(b)(6)

From: Prelogar, Brandon B

Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security



(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[REDACTED]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

[REDACTED]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 1:58 PM
To: Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, Priebus announced that on the news today. I don't know that there is an official release.

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:57:33 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

 (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

[REDACTED]

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lissette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lissette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security



(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]
[REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States". once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:45 PM
To: Hamilton, Cristina A; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Cris - yeah as much sharing as we can.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:43:02 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

[REDACTED] (b)(6)

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From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

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Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

 (b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

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Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services

Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

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Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael

Sent: Saturday, January 28, 2017 11:42 AM

To: Renaud, Daniel M; Kvortek, Lisette E

Cc: Farnam, Julie E; Slattery, Shannon E

Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

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Michael Valverde

DHS USCIS

Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 11:34:15 AM

To: Kvortek, Lisette E

Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E

Subject: FW: Executive Order

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3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,


Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order


And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L

(Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Subject: RE: Executive Order

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Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

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Lori

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

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[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

Gillispie, Anna E

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Subject: RE: Executive Order
Attachments: StayOrder.pdf

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

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Subject: RE: Executive Order

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To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate, U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

EVI. I think Andrew might be right in terms of what is meant but

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

HAMEED KHALID DARWEESH and
HAIDER SAMEER ABDULKHALEQ
ALSHAWI, *on behalf of themselves and others*
similarly situated,

Petitioners,

- against -

DONALD TRUMP, *President of the United*
States; U.S. DEPARTMENT OF
HOMELAND SECURITY ("DHS"); U.S.
CUSTOMS AND BORDER PROTECTION
("CBP"); JOHN KELLY, *Secretary of DHS*;
KEVIN K. MCALEENAN, *Acting*
Commissioner of CBP; JAMES T.
MADDEN, *New York Field Director, CBP,,*

Respondents.

----- X

ANN DONNELLY, District Judge.

On January 28, 2017, the petitioners filed an Emergency Motion for Stay of Removal on behalf of themselves and others similarly situated.

IT APPEARING to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and the hearing held on the 28th of January, 2017,

1. The petitioners have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

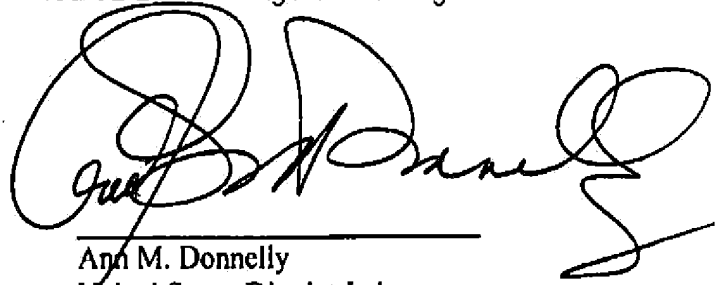
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for Stay of Removal.

WHEREFORE, IT IS HEREBY ORDERED that the respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, are

ENJOINED AND RESTRAINED from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

SO ORDERED.

A large, stylized handwritten signature in black ink, appearing to read 'Ann M. Donnelly', is written over a horizontal line.

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
January 28, 2017

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:05 AM
To: Tynan, Natalie S; Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

And here's what I've learned from RAIO: Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 12:01:29 PM
To: Rigdon, Jerry L; Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Thanks Jerry and Kathryn.

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:58:25 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon

Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

(b)(6)

From: Neufeld, Donald W

Sent: Saturday, January 28, 2017 11:34:34 AM

To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T

Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)

Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:57 AM
To: Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks Jerry - it seems the operational components are holding everything from the six countries for now and trying to see what can go forward. I'll continue to keep everyone posted.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:43:15 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

I've also reached out to a couple of SCOPS BCs.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B;

Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L

Sent: Saturday, January 28, 2017 11:21:12 AM

To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S

Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

EYL I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:47 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks K - an N-400 and N-600 ceremony went forward yesterday and they are working to clear guidance about allowing citizenship cases to proceed, but of course I don't really know the details of what that means or who it applies to.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 11:37:37 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition

or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L;

Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a) (12) of the INA, 8 U.S.C. 1187(a) (12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[REDACTED]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

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Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

(b)(6)

From: Ruppel, Joanna

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel

Chief, International Operations Division

U.S. Citizenship and Immigration Services

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Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
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For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

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As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 10:43 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

I've also reached out to a couple of SCOPS BCs.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L;

Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED], (b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

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US Citizenship & Immigration Services

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Chief, International Operations Division

U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant by [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security


From: Levine, Laurence D

Sent: Sunday, January 29, 2017 11:26 AM

To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 11:19:35 AM

To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 10:48 AM

To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 9:35:13 AM

To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark

Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security


(b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 9:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
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To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

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From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

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Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy



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From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security



(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lissette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lissette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED]
(b)(6)

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Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

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2. Should we deschedule oath ceremonies for individuals from the 7?
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,


Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:07 AM
To: Tynan, Natalie S; Cummings, Kevin J; Parascandola, Ciro A
Subject: RE: Executive Order

Yeah, thanks guys.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 10:03:52 AM
To: Cummings, Kevin J; Parascandola, Ciro A; Levine, Laurence D
Subject: RE: Executive Order

I agree guys. The major questions that come to mind are legal and operational. We should be prepared to put some of them forward, but from a policy perspective we are going to have to wait for that guidance before we know what direction to take.

Having said that, it is worth looking at forms because I am sure we will have to make revisions to include vetting questions such as social media. Again though, the vetting aimed at national interest and benefit to this country change the adjudication of petitions.

I appreciate your thoughts so please share as things come up! Clearly this is fluid.

N

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 9:57:36 AM
To: Parascandola, Ciro A; Levine, Laurence D
Cc: Tynan, Natalie S
Subject: RE: Executive Order

I completely agree. Legal decisions/interpretations are key at the outset.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 9:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Office of Policy and Strategy, U.S. Citizenship and Immigration Services
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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
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Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

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Please let me know if you have any questions or see anything that needs editing.

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Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

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DHS USCIS
Field Operations Directorate, Deputy Associate Director

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Acting Deputy Director
US Citizenship & Immigration Services

(b)(6)

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U.S. Citizenship and Immigration Services

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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 10:18 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

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Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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To: Walters, Jessica S
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U.S. Citizenship and Immigration Services
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Cc: Farnam, Julie E; Kvortek, Lisette E
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To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
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DHS USCIS
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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> 1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the ?? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information Identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality [database to collect identity documents] already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the “highlights”):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of “blocked” countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for

refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
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Thanks,
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2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for

refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of

review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest:

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic

nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 12:13 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks B

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[REDACTED]

[REDACTED]

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS Office of Policy & Strategy

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From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,


Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]
(b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order


And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

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Sent: Sunday, January 29, 2017 1:11:27 PM
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(Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

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Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

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Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

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Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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Cc: Farnam, Julie E; Slattery, Shannon E
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For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Cc: Renaud, Tracy L; McCament, James W
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I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

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Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

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Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lissette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security


From: Levine, Laurence D

Sent: Sunday, January 29, 2017 11:26 AM

To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 11:19:35 AM

To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 10:48 AM

To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 9:35:13 AM

To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark

Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security


(b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate, U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael

Sent: Saturday, January 28, 2017 11:42 AM

To: Renaud, Daniel M; Kvortek, Lisette E

Cc: Farnam, Julie E; Slattery, Shannon E

Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS

Field Operations Directorate, Deputy Associate Director

(b)(6)

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Sent: Saturday, January 28, 2017 11:34:15 AM

To: Kvortek, Lisette E

Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E

Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Sent: Friday, January 27, 2017 8:00 PM
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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

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Cc: Renaud, Tracy L; Neufeld, Donald W
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From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Nicholson, Maura J
Sent: Thursday, February 02, 2017 5:51 PM
To: Ruppel, Joanna; Kleczek, Marguerite P (Ania); Deshommes, Samantha L; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations; Palmer, Ann M; Benedict, Deborah L
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

I would also note that we are seeking guidance from OCC on whether Federal Register notices may be needed for the potential termination of various parole programs. Not sure yet if they will be required, but am flagging in case.

From: Ruppel, Joanna
Sent: Thursday, February 02, 2017 5:33 PM
To: Kleczek, Marguerite P (Ania); Deshommes, Samantha L; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations; Nicholson, Maura J; Palmer, Ann M
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

I think we also want to add the asylum regulations that govern following-to-join cases. Can you add that?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

 (b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Thursday, February 02, 2017 5:21 PM
To: Deshommes, Samantha L; Ruppel, Joanna; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

All—

OCC RALD was looking at this and thus far, has come up with the following:

EO 13769 – Foreign Terrorist Entry

Sec. 6 Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility

- Christina thought this was about TRIG
- OCC RALD: This is about TRIG, but doesn't require any regulatory action. Our TRIG working group is already looking at this and preparing for future discussions with the Department and the interagency.

EO 13767 Border Security and Imm Enf

Sec. 11(b): 8 CFR 208.30 and 31 - Credible fear and reasonable fear determinations

OCC RALD: No need for regulatory changes, but the Asylum Division is working on revisions to its Credible Fear lesson plan in response to this. That's not to say that there won't be a push for regulatory changes, but there's nothing here that isn't consistent with the plain language of the statute.

11(d): Parole authority – must be case-by-case in accordance with the plain language of the statute

We think 8 CFR 212.5 might be affected, but need to study the issue further.

11(c): Applying Expedited Removal to applicants for admission present for less than 2 years. Requires a FR notice, but this is primarily a CBP/ICE matter, but it will affect asylum officer resources.

Thanks,
Ania

Marguerite (Ania) P. Kleczek
Chief, Regulatory and Verification Law Division
Office of the Chief Counsel, USCIS
Tel:

(b)(6)

From: Deshommes, Samantha L
Sent: Thursday, February 02, 2017 5:15 PM
To: Ruppel, Joanna; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Kleczek, Marguerite P (Ania)
Subject: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon
Importance: High

Good Afternoon RAIO,

Following issuance of the attached Executive Orders (EOs), there have been a number of working groups that have been stood up in the Department to effect implementation. One such group is being chaired by OGC Regulatory Affairs and is tasked with identifying and managing the various regulatory actions that may be needed to implement provisions of these Orders. Ania and I just finished a conference call with them and need some information from you to complete an urgent tasker on possible regulatory actions needed to implement the EOs.

On first glance, I think the Parole, Asylum, Reasonable Fear, and Credible Fear provisions of EO 13767, Section 11 will definitely have regulatory implications for RAIO; however, there could be other provisions that I'm overlooking in the other EOs. Could you please take a look at the attached EOs, if you haven't already, and at minimum identify what specific EO provision is likely to require regulatory changes and the regulatory citation, if known?

DHS needs this information from us by 12 noon tomorrow, so I'd appreciate any assistance you can give in just quickly identifying those items. At this point, your response doesn't need to be any more expansive than the following, for example:

- EO 13767, Section 11: 8 CFR XXX.XX – Update Reasonable Fear regulations to [insert]
- EO 13767, Section 11: 8 CFR XXX.XX – Update asylum regulations to [insert]
-

I apologize in advance for the short turnaround on this, and have already requested a delay and been denied. Even if you don't have an idea of the regulatory citation or it depends on the ultimate policy and it is just a possibility, that's fine at this point...

Please let me know if you have any questions.

Thanks,
Samantha

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
Tel:

(b)(6)

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Gillispie, Anna E

From: Padilla, April Y
Sent: Sunday, January 29, 2017 10:56 AM
To: Rigdon, Jerry L
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent out.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 7:28 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> 1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality [database to collect identity documents] already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the “highlights”):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of “blocked” countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for

refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC



(b)(6)

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission

do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in

subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration

benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in

conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of

State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with

applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:45 PM
To: Hamilton, Cristina A; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Cris - yeah as much sharing as we can.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:43:02 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

[REDACTED] (b)(6)

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From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security



(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services

Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael

Sent: Saturday, January 28, 2017 11:42 AM

To: Renaud, Daniel M; Kvortek, Lisette E

Cc: Farnam, Julie E; Slattery, Shannon E

Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS

Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 11:34:15 AM

To: Kvortek, Lisette E

Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E

Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

(b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 1:19:08 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Prelogar, Brandon B

Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[REDACTED]

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Sent: Friday, January 27, 2017 8:00 PM

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Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

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Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]
[REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,


Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:45 PM
To: Hamilton, Cristina A; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Cris - yeah as much sharing as we can.


Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:43:02 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS


(b)(6)

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From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services

Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.


I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services


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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director


(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

[illegible]

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality (database to collect identity documents) already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? (Regarding mechanism to ensure applicant's claimed identity) Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNI	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

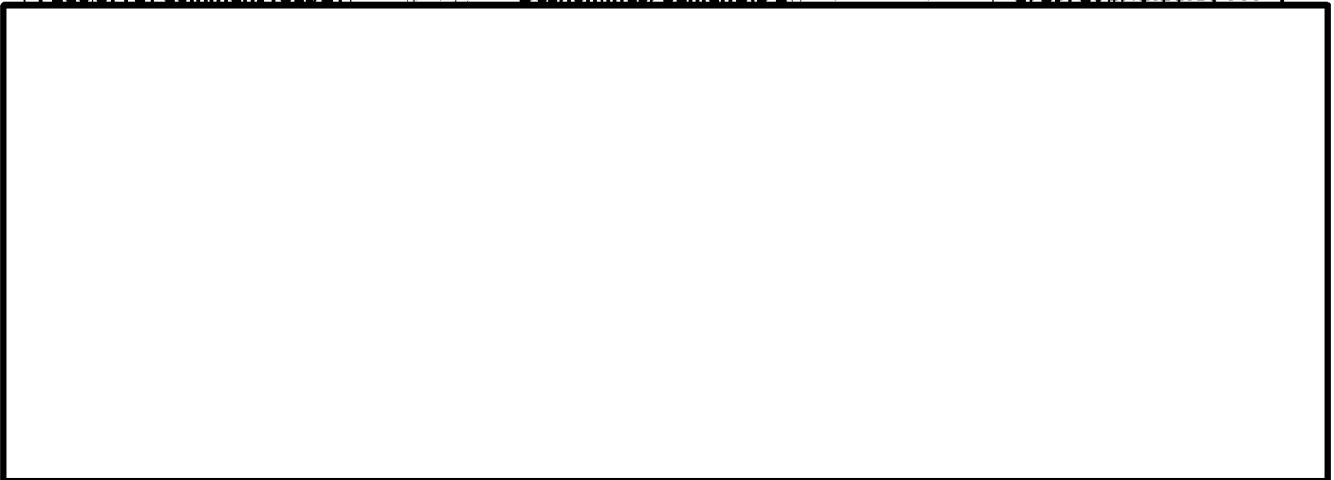
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6: Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7: Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

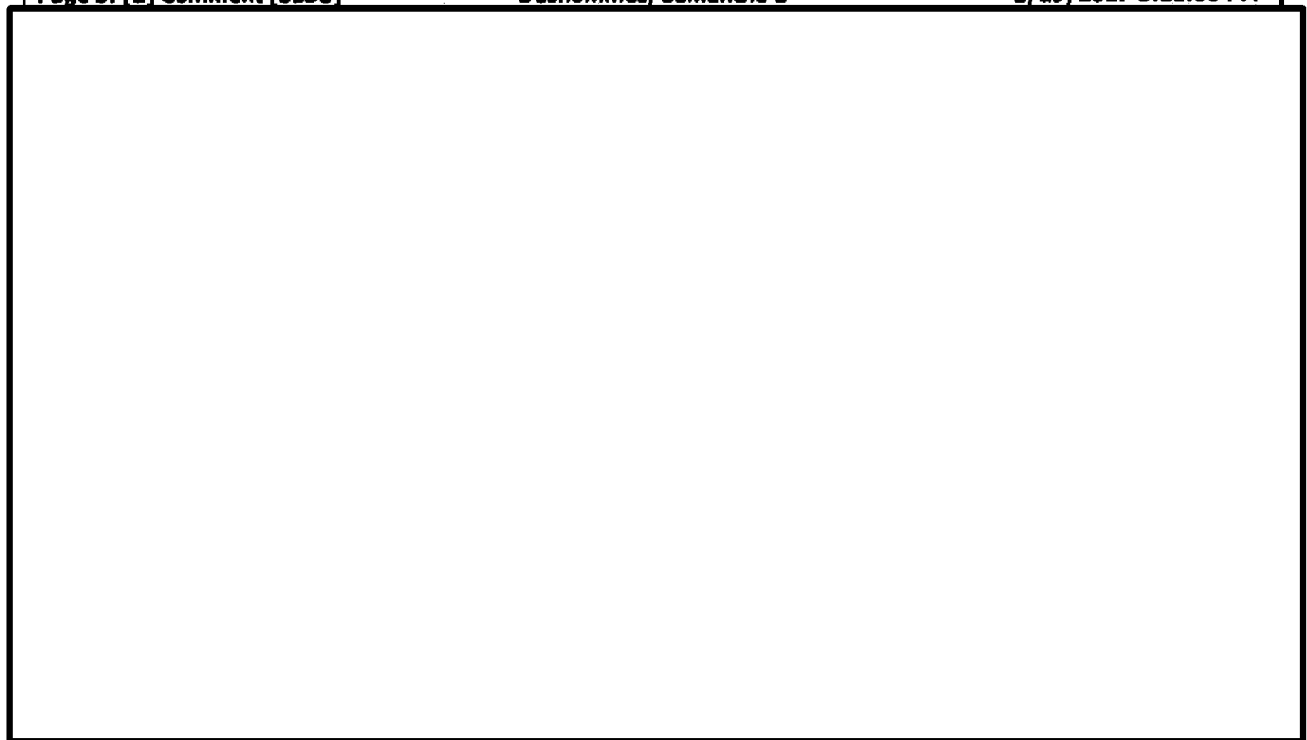
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

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Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM



Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM



(b)(5)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 8:15 PM
To: Levine, Laurence D; Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

DHS HQ has been busy with press releases today on the EO. See link below to the DHS.gov site for the 4 press releases issued today.

<https://www.dhs.gov/news-releases>

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

[REDACTED]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna);

Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 3:31 PM

To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order


And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of

foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security


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Subject: RE: Executive Order


Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy


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Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director


(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the ??
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant by [REDACTED]

[REDACTED]

From: Davldson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

(b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 12:19 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: StayOrder.pdf

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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[REDACTED]

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Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

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Subject: RE: Executive Order

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Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
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Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

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Office of Policy & Strategy
U.S. Citizenship and Immigration Services
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U.S. Citizenship and Immigration Services
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Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

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DHS USCIS
Field Operations Directorate, Deputy Associate Director

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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US Citizenship & Immigration Services
Department of Homeland Security

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Chief, International Operations Division
U.S. Citizenship and Immigration Services

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Lori

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From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:56:01 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]
[REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
:
HAMEED KHALID DARWEESH and :
HAIDER SAMEER ABDULKHALEQ :
ALSHAWI, on behalf of themselves and others :
similarly situated, :

Petitioners, :

DECISION AND ORDER

- against - :

17 Civ. 480 (AMD)

:
:
DONALD TRUMP, President of the United :
States; U.S. DEPARTMENT OF :
HOMELAND SECURITY ("DHS"); U.S. :
CUSTOMS AND BORDER PROTECTION :
("CBP"); JOHN KELLY, Secretary of DHS; :
KEVIN K. MCALEENAN, Acting :
Commissioner of CBP; JAMES T. :
MADDEN, New York Field Director, CBP,, :

Respondents.

----- X
ANN DONNELLY, District Judge.

On January 28, 2017, the petitioners filed an Emergency Motion for Stay of Removal on behalf of themselves and others similarly situated.

IT APPEARING to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and the hearing held on the 28th of January, 2017,

1. The petitioners have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

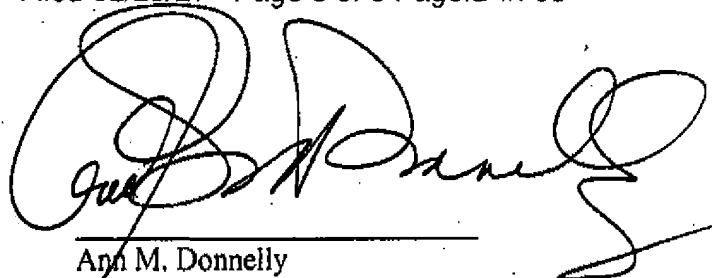
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for Stay of Removal.

WHEREFORE, IT IS HEREBY ORDERED that the respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, are

ENJOINED AND RESTRAINED from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

SO ORDERED.



Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
January 28, 2017

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:52 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTOdocx; Congressional research service report January 2017 on 212(f).pdf

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

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[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> 1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

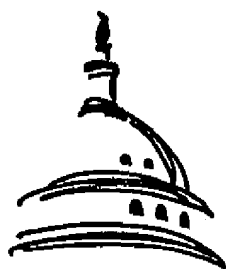
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality [database to collect identity documents] already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c Se Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		



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Executive Authority to Exclude Aliens: In Brief

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Prepared for Members and
Committees of Congress

Summary

The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are “inadmissible”—or barred from admission to the country—on health, criminal, security, and other grounds set forth in the INA. However, the INA also grants the Executive several broader authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically prescribed in the INA.

Section 212(f) of the INA is arguably the broadest and best known of these authorities. It provides, in relevant part, that

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

Over the years, Presidents have relied upon Section 212(f) to suspend or otherwise restrict the entry of individual aliens and classes of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon these aliens. Among those so excluded have been aliens whose actions “threaten the peace, security, or stability of Libya”; officials of the North Korean government; and aliens responsible for “serious human rights violations.”

Neither the text of Section 212(f) nor the case law to date suggests any firm legal limits upon the President’s exercise of his authority to exclude aliens under this provision. The central statutory constraint imposed on Section 212(f)’s exclusionary power is that the President must have found that the entry of any alien or class of aliens would be “detrimental to the interests of the United States.” The statute does not address (1) what factors should be considered in determining whether aliens’ entry is “detrimental” to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are “appropriate”; or (4) how long any restrictions should last. The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision confers broad authority to bar or impose conditions upon the entry of aliens. Key among these cases is the Supreme Court’s 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum or withholding of removal did not violate the INA or the United Nations Convention Relating to the Status of Refugees. The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) and “suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation.” However, depending on their scope, future executive actions under Section 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive’s prior exercises of this authority.

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens’ entry to the United States. Most notably, Section 214(a)(1) prescribes that the “admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe.” Section 215(a)(1) similarly provides that “it shall be unlawful for any alien” to enter or depart the United States “except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.” For example, President Carter cited Section 215(a)—rather than Section 212(f)—when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranian citizens during the Iran Hostage Crisis.

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The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are “inadmissible”—or generally barred from admission to the country¹—on health, criminal, security, and other grounds set forth in the INA.² However, the INA also grants the Executive several broad authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically set forth in the INA. Section 212(f) of the INA is arguably the broadest and best known of these provisions,³ but Sections 214(a)(1) and 215(a)(1) can also be seen to authorize the Executive to restrict aliens’ entry or admission to the United States.⁴

This report provides a brief overview of the Executive’s authority under these provisions of the INA. It begins with and focuses primarily on Section 212(f). It also briefly notes other provisions.

Section 212(f) of the INA

The provisions currently in Section 212(f)—which have been part of the INA since its enactment in 1952⁵—state, in relevant part, that

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.⁶

Legislative history materials from the time of the INA’s enactment suggest that these provisions were seen to grant the President broad authority to bar or impose conditions upon the entry of aliens,⁷ and Presidents over the years have relied upon Section 212(f) to suspend or restrict the entry of various groups of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon them. Among those so excluded have been aliens whose actions

¹ The INA defines “admission” to mean “the lawful entry of an alien into the United States after inspection and authorization by an immigration officer.” INA § 101(a)(13)(A), 8 U.S.C. § 1101(a)(13)(A). The INA is codified in Title 8 of the United States Code, and references to the INA in this report also include references to the corresponding sections of Title 8.

² See INA § 212(a), 8 U.S.C. § 1182(a) (prescribing the inadmissibility of, among others, aliens who have a communicable disease of public health significance; have been convicted of two or more criminal offenses; have engaged in a terrorist activity; are permanently ineligible for citizenship; or have previously voted in violation of any federal, state, or local law). Certain of these grounds of inadmissibility may be waived. See, e.g., INA § 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v) (authorizing the Executive to waive the 3- and 10-year bars upon the admission of aliens who have been unlawfully present in the United States for more than 180 days if the refusal of admission to the alien would result in “extreme hardship” to a parent or spouse who is a U.S. citizen or lawful permanent resident (LPR)).

³ 8 U.S.C. § 1182(f).

⁴ 8 U.S.C. §§ 1184(a)(1), 1185(a)(1). As is discussed later in this report, the term “entry” is no longer defined for purposes of the INA. See Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), P.L. 104-208, § 301(a), 110 Stat. 3009-575 (Sept. 30, 1996) (amending INA § 101(a)(13) so that it defines “admission,” instead of “entry”). However, at one time, the INA defined the term “entry” to mean “any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise.” INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994). See *infra* notes 26-27 and accompanying text.

⁵ 8 U.S.C. § 1182(f).

⁶ See P.L. 82-414, § 212(e), 66 Stat. 188 (June 27, 1952).

⁷ See, e.g., H.R. REP. 1365, 82d Cong., 2d Sess., at 53 (Feb. 14, 1952) (“The bill vests in the President the authority to suspend the entry of all aliens if he finds that their entry would be detrimental to the interests of the United States, for such period as he shall deem necessary.”).

“threaten the peace, security, or stability of Libya”;⁸ officials of the North Korean government or the Workers’ Party of North Korea;⁹ aliens who have participated in “serious human rights violations”;¹⁰ and others noted in **Table 1** below.

Neither the text of Section 212(f) nor the case law to date suggests any firm legal constraints upon the President’s exercise of his authority under Section 212(f), as is explained below. However, future executive actions under INA § 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive’s prior exercise of this authority.¹¹

Statutory Language and Executive Branch Interpretations

On its face, Section 212(f) would appear to give the President broad authority to preclude or otherwise restrict the entry into the United States of individual aliens or classes of aliens who are outside the United States and lack recognized ties to the country.¹² The central statutory constraint imposed on Section 212(f)’s exclusionary power is that the President must have found that the entry of any aliens or class of aliens would be “detrimental to the interests of the United States” in order to exclude the alien or class of aliens.¹³ The statute does not address (1) what factors should be considered in determining whether aliens’ entry is “detrimental” to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are “appropriate”; or (4) how long any restrictions should last. There also do not appear to be any regulations addressing the exercise of presidential authority under Section 212(f).

The Department of State’s *Foreign Affairs Manual* (FAM) seemingly provides the only publicly available executive branch guidance on the President’s Section 212(f) authority. In relevant part, the FAM notes that Section 212(f) proclamations “typically” grant the Secretary of State authority to identify individuals covered by the proclamation and to waive its application for foreign policy

⁸ See Executive Order 13726, Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya, 81 Fed. Reg. 23559 (Apr. 21, 2016).

⁹ See Executive Order 13687, Imposing Additional Sanctions With Respect To North Korea, 80 Fed. Reg. 819 (Jan. 6, 2015).

¹⁰ See Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, 76 Fed. Reg. 49277 (Aug. 9, 2011).

¹¹ Not knowing the form that future restrictions might take, or the grounds upon which such restrictions might be subject to legal challenges, it would be premature to assess whether specific restrictions might be within the Executive’s authority. However, it is important to note that aliens outside the United States who have no ties to the country generally have limited ability to challenge the denial of visas or admission to them. See, e.g., *Shaughnessy v. Mezei*, 345 U.S. 206, 216 (1953) (“Whatever our individual estimate of that policy and the fears on which it rests, respondent’s right to enter the United States depends on the congressional will, and courts cannot substitute their judgment for the legislative mandate.”); *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 542 (1950) (“[A]n alien who seeks admission to this country may not do so under any claim of right. Admission of aliens to the United States is a privilege granted by the sovereign United States Government. Such privilege is granted to an alien only upon such terms as the United States shall prescribe.”). But see *Kleindienst v. Mandel*, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons adversely affected by the denial of a visa waiver to an alien outside the United States may have a right to challenge the denial under certain circumstances).

¹² LPRs who leave the United States for a brief period of time are distinguishable from, for example, refugees seeking to be admitted to the United States. See, e.g., *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (discussing due process concerns raised by the application to an LPR of a statute which provided for the exclusion of any alien who “at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law”).

¹³ INA § 212(f), 8 U.S.C. § 1182(f).

or other national interests.¹⁴ The FAM also notes that such proclamations may bar entry based on either affiliation or “objectionable” conduct. In addition, it provides that Section 212(f) may reach persons who are inadmissible under other provisions of law, in which case, the “statutory inadmissibilities are to be considered prior to determining whether a Presidential Proclamation applies.”¹⁵ However, the FAM is generally not seen as having the force of law to bind the executive branch.¹⁶ Thus, the Executive would not need to engage in notice-and-comment rulemaking in order to alter particular practices contained in the FAM that have historically been associated with exercises of Section 212(f) authority (e.g., not relying on a 212(f) proclamation to bar the admission of aliens who are inadmissible on other grounds).¹⁷

Judicial Constructions of Section 212(f)

The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision of the INA confers broad authority to suspend or restrict the entry of aliens. Key among these cases is the Supreme Court’s 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum and withholding of removal did not violate either the INA or the United Nations Convention Relating to the Status of Refugees.¹⁸ The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) of the INA¹⁹ and “suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation.”²⁰ Although the *Sale* Court was primarily concerned with whether the INA and UN Convention provisions regarding withholding of removal applied extraterritorially,²¹ it is arguably important for understanding the scope of the President’s Section 212(f) authority. In particular, the *Sale* decision arguably helped clarify the relationship between exercises of the authority granted by Section 212(f) and those granted by other provisions of the INA, as well as the meaning of *entry* for purposes of Section 212(f).

¹⁴ 9 FAM § 302.11-3(B)(1), available at <https://fam.state.gov/Fam/FAM.aspx> (last accessed: Jan. 3, 2017).

¹⁵ *Id.*

¹⁶ See, e.g., *Patel v. U.S. Dep’t of State*, No. 11-cv-6-wmc, 2013 U.S. Dist. LEXIS 108592, at *13 (W.D. Wis. Aug. 2, 2013) (“[T]he Foreign Affairs Manual is an internal guideline that sets forth agency practice and procedures. Because internal guidelines and agency manuals like the Foreign Affairs Manual are not subject to [Administrative Procedure Act] APA rulemaking procedures, they lack the force of law and do not bind agency discretion.”).

¹⁷ For more on the constraints of the rulemaking process, see generally CRS Report R41546, *A Brief Overview of Rulemaking and Judicial Review*, by Todd Garvey and Daniel T. Shedd; CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey.

¹⁸ 509 U.S. 155, 158-59 (1993). Specifically at issue in *Sale* were the provisions currently in INA § 241(b)(3)(B) and Article 33 of the Convention, which both bar the return of aliens to countries where their life or freedom would be threatened because of their race, religion, nationality, political opinion, or membership in a particular social group. The United States is technically a party to the 1967 UN Protocol Relating to the Status of Refugees, not the 1951 Convention Relating to the Status of Refugees. However, the Protocol incorporated articles 2 to 34 of the Convention, and it is customary for commentators to refer to the Convention, not the Protocol, when discussing these articles.

¹⁹ Executive Order 12,807 also cited INA § 215(a)(1), which provides that “[u]nless otherwise ordered by the President, it shall be unlawful for any alien to depart from or enter ... the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.” 8 U.S.C. § 1185(a)(1). For further discussion of this provision, see *infra* “Other Provisions of the INA”.

²⁰ See *Interdiction of Illegal Aliens*, 57 Fed. Reg. 23133 (June 1, 1992). President George H.W. Bush initially issued this order, but President Clinton left the order in place without modifications when he took office. It remained in effect at the time of the Court’s decision in *Sale*. See generally 509 U.S. at 165.

²¹ *Sale*, 509 U.S. at 173-88.

In particular, the Court rejected the view of the U.S. Court of Appeals for the Second Circuit (“Second Circuit”) that interdiction was prohibited because of the INA’s prohibition upon the then-Attorney General returning an alien to a country where he or she would be persecuted.²² The Second Circuit had reached this conclusion by noting that the Attorney General was the President’s “agent” in matters of immigration.²³ Therefore, it found that INA’s prohibition on the Attorney General returning aliens to countries where the alien’s life or freedom would be threatened because of the alien’s race, religion, nationality, political opinion, or membership in a particular social group should be imputed to the rest of the executive branch.²⁴ The Supreme Court disagreed, however, holding that the interdiction program created by the President did not “usurp[] authority that Congress has delegated to, or implicate[] responsibilities that it has imposed on, the Attorney General alone.”²⁵ The Court reached this conclusion, in part, because it viewed the INA as restricting only the then-Attorney General’s immigration-related responsibilities under the act. It did not view the INA as restricting the President’s actions in geographic areas outside of where Congress had authorized the Attorney General to act in the immigration context (i.e., outside the United States).²⁶ The upshot of this reasoning was that the Court declined to find that the interdiction program implemented under the authority of Section 212(f) ran afoul of statutory or treaty-based restrictions.

The *Sale* decision also helped define what is meant by the term *entry* as that term is used in Section 212(f). At the time when *Sale* was decided, the INA explicitly defined *entry* to encompass “any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise.”²⁷ Therefore, consistent with this definition, the Court distinguished between (1) aliens who are “on our shores seeking admission” or “on the threshold of initial entry,” and (2) aliens who are within the United States after entry, regardless of the legality of that entry.²⁸ While the statutory definition of *entry* that the Court relied upon was deleted from the INA as part of the amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208),²⁹ the *Sale* Court’s construction of *entry* has persisted in discussions of Section 212(f) and in other contexts.³⁰

²² *Id.* at 171-72. For several decades, the authority to interpret, implement, and enforce the provisions of the INA was primarily vested in the Attorney General. The Attorney General, in turn, delegated this authority to the Immigration and Naturalization Service (INS) within the Department of Justice. Following the establishment of the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002 (P.L. 107-296), the INS was abolished and its functions were generally transferred to DHS. See 6 U.S.C. § 251. Although the INA still refers to the Attorney General in multiple places, such references are generally (although not universally) taken to mean the Secretary of Homeland Security. See generally CRS Legal Sidebar WSLG553, *Does It Matter Whether the INA Says DOJ or DHS?: An Example Involving Revocation of Asylum*, by Kate M. Manuel.

²³ *Haitian Centers Council, Inc. v. McNary*, 969 F.2d 1350, 1360 (2d Cir. 1992).

²⁴ *Id.* (“[W]e reject the government’s suggestion that since [the relevant provision of the INA] restricts actions of only the attorney general, the President might in any event assign the same “return” function to some other government official. Congress understood that the President’s agent for dealing with immigration matters is the attorney general, and we would find it difficult to believe that the proscription of [the INA]—returning an alien to his persecutors—was forbidden if done by the attorney general but permitted if done by some other arm of the executive branch.”).

²⁵ *Sale*, 509 U.S. at 172.

²⁶ *Id.* at 173. See also INA § 103(a)(1), 8 U.S.C. § 1103(a)(1) (“The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President....”).

²⁷ INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994).

²⁸ *Sale*, 509 U.S. at 174.

²⁹ P.L. 104-208, § 301(a), 110 Stat. 3009-575 (amending Section 101(a)(13) of the INA to define *admission*, instead of (continued...)

Lower court decisions provide some further discussion of exercises of 212(f) authority that would seem to be consistent with *Sale*. The most recent of these, an unpublished 2003 decision by the Second Circuit in *Sesay v. Immigration and Naturalization Service [INS]*, granted deference to the Board of Immigration Appeals' (BIA's) determination that the alien petitioner was ineligible for asylum because a grant of asylum necessarily requires entry, and the petitioner's entry was barred by Presidential Proclamation 7062.³¹ Previously, in its 1992 decision in *Haitian Refugee Center, Inc. v. Baker*, the U.S. Court of Appeals for the Eleventh Circuit had noted various precedents characterizing the power to exclude aliens from the country as an "inherent executive power" when opining that Section 212(f) "clearly grants the President broad discretionary authority to control the entry of aliens into the United States."³² A lower court, the U.S. District Court for the Northern District of California, similarly emphasized the breadth of the executive's power over entry in conjunction with its discussion of Section 212(f) in its 1996 decision in *Encuentro del Canto Popular v. Christopher*, stating,

The exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not alone from legislative power but is inherent in the executive power to control the foreign affairs of the nation. When Congress prescribes a procedure concerning the admissibility of aliens, it is not dealing alone with a legislative power. It is implementing an inherent executive power.³³

Collectively, *Sale* and these other decisions suggest that Section 212(f) gives the Executive significant power to bar or impose conditions upon the entry of aliens "on our shores seeking admission" or "on the threshold of initial entry."³⁴ None of these decisions note any limitations upon the President's power under Section 212(f). This silence could, however, be seen, in part, to reflect the arguably limited nature of the Executive's use of its Section 212(f) authority to date. As **Table 1** below illustrates, prior exercises of presidential authority under Section 212(f) have

(...continued)

entry). See *supra* note 5.

³⁰ See, e.g., *Sesay v. INS*, 74 Fed. App'x 84, 86 (2d Cir. 2003) (considering the meaning of "entry" in the course of addressing whether a grant of asylum requires entry into the United States); *Matter of Rosas-Ramirez*, 22 I. & N. Dec. 616, 617 (BIA 1999) (discussing whether adjustment of status while within the United States constitutes an "admission" for purposes of INA § 237(a)(2)(A)(iii), and noting that admission is defined, in part, in terms of "entry").

³¹ 74 Fed. App'x at 86. The BIA is the highest administrative tribunal for interpreting and applying immigration law. The Second Circuit noted, but did not address, arguments as to the relationship between Sections 212(d) and 212(f) in its decision. The Secretary of Homeland Security's authority to parole aliens into the United States under Section 212(d), however, could be seen as a counterpart to the President's authority under Section 212(f) in that the President may "parole"—or permit the entry into the United States—almost any alien, regardless of whether the alien is subject to one or more of the grounds of inadmissibility set forth in Section 212(a). See INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A) ("The Attorney General [later, Secretary of Homeland Security] may [subject to certain restrictions involving refugees and alien laborers] in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States....").

³² 953 F.2d 1498, 1506-08 (11th Cir. 1992).

³³ 930 F. Supp. 1360, 1365 (N.D. Cal. 1996) (quoting *Knauff v. Shaughnessy*, 338 U.S. 537 (1949) (upholding the executive branch's determination to exclude the alien wife of a former U.S. servicemember, who was eligible for admission under the War Brides Act of 1945, because of concerns that her admission would endanger public safety)). The *Christopher* case arose from a challenge to the denial or revocation of visas to certain Cubans pursuant to Presidential Proclamation 5377, which suspended the entry of individuals whom the Secretary of State (or a designee) considered to be officers or employees of the Cuban government or Cuban Communist Party. As the district court noted, although the plaintiffs at times seem to have suggested that Section 212(f) itself is invalid, their argument was best construed as being that Presidential Proclamation 5377 was invalid because it conflicted with Section 901 of the Foreign Relations Authorization Act for FY1988-1989. *Id.* at 1363.

³⁴ *Sale*, 509 U.S. at 174.

differed in terms of which and how many aliens are subject to exclusion. In no case to date, though, has the Executive purported to take certain types of action, such as barring all aliens from entering the United States for an extended period of time or explicitly distinguishing between categories of aliens based on their religion. Any such restrictions could potentially be seen to raise legal issues that were not raised by prior exclusions. For example, if the Executive were to seek to bar the entry of all aliens, as immigrants or nonimmigrants, for an extended time, questions could be raised about whether the President's action was consistent with Congress's intent in enacting statutes which prescribe criteria for the issuance of family- and employment-based immigrant and nonimmigrant visas and authorize the issuance of certain numbers of such visas each year.³⁵ Similarly, if the President were to purport to exclude aliens based on their religion, an argument could potentially be made that this action is in tension with U.S. treaty obligations³⁶ or the First Amendment.³⁷ (Distinctions between aliens based on nationality, in contrast, have historically been viewed as a routine feature of immigration legislation and subjected to deferential "rational basis" review by the courts.³⁸)

Table 1. Categories of Aliens Excluded under INA § 212(f)

Arranged Chronologically, from the Most to the Least Recent,
by the Date of Their Publication in the *Federal Register*

Date & President	Nature of the Exclusion
2016, Apr. 21 – Obama <i>Executive Order 13726, 81 Fed. Reg. 23559</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Libya" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability" of that country or may lead to or result in the

³⁵ For example, Section 203(a)(1) provides that "[q]ualified immigrants who are the unmarried sons or daughters of citizens of the United States *shall* be allocated visas in a number not to exceed 23,400" (with some additions possible) each year. See 8 U.S.C. § 1153(a)(1). "Shall" has been construed to indicate mandatory agency action when used in other contexts. See, e.g., *Kirtsaeng v. John Wiley & Sons, Inc.*, 136 S. Ct. 1027, 136 S. Ct. 1979, 1983 (2016); *Kingdomware Techs., Inc. v. United States*, 136 S. Ct. 1969, 1977 (2016); *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S. Ct. 1923, 1931 (2016).

³⁶ For example, Article 2 of the International Covenant on Civil and Political Rights provides that "[e]ach State Party ... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind" based on religion, among other things. United Nations, Human Rights, Office of the High Commissioner, International Covenant on Civil and Political Rights, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (last accessed: Jan. 14, 2017). The United States ratified this Convention in 1992, with certain reservations, understandings, and declarations. See, e.g., Kristina Ash, *U.S. Reservations to the International Covenant on Civil and Political Rights: Credibility Maximization and Global Influence*, 3 Nw. J. INT'L HUM. RTS. 1, 2 (2005). However, "Congress has not made the treaty enforceable in U.S. courts," and commentators have disagreed as to whether it or other provisions of law (e.g., the First Amendment) could serve as basis for invalidating the exclusion of certain aliens because of their religion. See, e.g., Debra Cassens Weiss, *Would SCOTUS Uphold Trump's Plan to Bar Muslim Immigrants*, ABA J., Dec. 9, 2015, http://www.abajournal.com/news/article/would_scutus_uphold_trumps_plan_to_bar_muslim_immigrants.

³⁷ Aliens outside the United States without recognized ties to the country might have difficulty in maintaining such a challenge. See *id.* However, in certain cases, a ban on the entry of persons based on religion could potentially be seen to impinge upon the First Amendment rights of U.S. citizens by, for example, excluding officers and teachers of that religion. Cf. *Kleindienst v. Mandel*, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons whose constitutional rights are adversely affected by the denial of a visa way to an alien outside the United States may have the right to challenge the denial in certain circumstances).

³⁸ See, e.g., *Rajah v. Mukasey*, 544 F.3d 427, 435-36 (2d Cir. 2008) (quoting an earlier decision to the effect that the "most exacting level of scrutiny that we will impose on immigration legislation is rational basis review"); *Narenji v. Civiletti*, 617 F.2d 745, 748 (D.C. Cir. 1980) ("[C]lassifications among aliens based upon nationality are consistent with due process and equal protection if supported by a rational basis....").

Date & President	Nature of the Exclusion
	misappropriation of Libyan state assets)
2016, Mar. 18 – Obama <i>Executive Order 13722, 81 Fed. Reg. 14943</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving North Korea (e.g., selling or purchasing metal, graphite, coal, or software directly or indirectly to or from North Korea, or to persons acting for or on behalf of the North Korean government or the Workers' Party of Korea)
2015, Nov. 25 – Obama <i>Executive Order 13712, 80 Fed. Reg. 73633</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Burundi" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability of Burundi," or "undermine democratic processes or institutions" in that country)
2015, Apr. 2 – Obama <i>Executive Order 13694, 80 Fed. Reg. 18077 (later amended by Executive Order 13757, 82 Fed. Reg. 1 (Jan. 3, 2017))</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in "significant malicious cyber-enabled activities" (e.g., harming or significantly compromising the provision of services by a computer or computer network that supports an entity in a critical infrastructure sector)
2015, Mar. 11 – Obama <i>Executive Order 13692, 80 Fed. Reg. 12747</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Venezuela" in specified ways (e.g., engaging in actions or policies that undermine democratic processes or institutions, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights)
2015, Jan. 6 – Obama <i>Executive Order 13687, 80 Fed. Reg. 819</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens with specified connections to North Korea (e.g., officials of the North Korean government or the Workers' Party of Korea)
2014, Dec. 24 – Obama <i>Executive Order 13685, 79 Fed. Reg. 77357</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving the Crimea region of Ukraine (e.g., materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of, persons whose property or interests are blocked pursuant to the order)
2014, May 15 – Obama <i>Executive Order 13667, 79 Fed. Reg. 28387</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the conflict in the Central African Republic in specified ways (e.g., engaging in actions or policies that threaten the peace, security, or stability of that country, or that threaten transitional agreements or the political transition process)
2014, Apr. 7 – Obama <i>Executive Order 13664, 79 Fed. Reg. 19283</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to South Sudan (e.g., actions or policies that "have the purpose or effect of expanding or extending the conflict" in that country, or obstructing reconciliation or peace talks or processes)
2014, Mar. 24 – Obama <i>Executive Order 13662, 79 Fed. Reg. 16169</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the situation in Ukraine in specified ways (e.g., operating in the financial services, energy, metals and mining, engineering, or defense and related materiel sectors of the Russian Federation economy)
2014, Mar. 19 – Obama <i>Executive Order 13661, 79 Fed. Reg. 15535</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., officials of the government of the Russian Federation, or persons who operate in the arms or related materiel sector)
2014, Mar. 10 – Obama <i>Executive Order 13660, 79 Fed.</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., engagement in or responsibility for misappropriation of state assets of

Date & President	Nature of the Exclusion
Reg. 13493 2013, June 5 – Obama Executive Order 13645, 78 Fed. Reg. 33945	Ukraine or of economically significant entities in that country) Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who have engaged in certain conduct related to Iran (e.g., materially assisting, sponsoring, or providing support for, or goods or services to or in support of, any Iranian person included on the list of Specially Designated Nationals and Blocked Persons)
2012, Oct. 12 – Obama Executive Order 13628, 77 Fed. Reg. 62139	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain actions involving Iran (e.g., knowingly transferring or facilitating the transfer of goods or technologies to Iran, to entities organized under Iranian law or subject to Iranian jurisdiction, or to Iranian nationals, that are likely to be used by the Iranian government to commit serious human rights abuses against the Iranian people)
2012, July 13 – Obama Executive Order 13619, 77 Fed. Reg. 41243	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to threaten the peace, security, or stability of Burma in specified ways (e.g., participation in the commission of human rights abuses, or importing or exporting arms or related materiel to or from North Korea)
2012, May 3 – Obama Executive Order 13608, 77 Fed. Reg. 26409	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to Iran and Syria (e.g., facilitating deceptive transactions for or on behalf of any person subject to U.S. sanctions concerning Iran and Syria)
2012, Apr. 24 – Obama Executive Order 13606, 77 Fed. Reg. 24571	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have engaged in specified conduct involving “grave human rights abuses by the governments of Iran and Syria via information technology” (e.g., operating or directing the operation of communications technology that facilitates computer or network disruption, monitoring, or tracking that could assist or enable serious human rights abuses by or on behalf of these governments)
2011, Aug. 9 – Obama Proclamation 8697, 76 Fed. Reg. 49277	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who participate in serious human rights and humanitarian law violations and other abuses (e.g., planning, ordering, assisting, aiding and abetting, committing, or otherwise participating in “widespread or systemic violence against any civilian population” based, in whole or in part, on race, color, descent, sex, disability, language, religion, ethnicity, birth, political opinion, national origin, membership in a particular social group, membership in an indigenous group, or sexual orientation or gender identity)
2011, July 27 – Obama Proclamation 8693, 76 Fed. Reg. 44751	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens subject to U.N. Security Council travel bans and International Emergency Economic Powers Act sanctions
2009, Jan. 22 – Bush Proclamation 8342, 74 Fed. Reg. 4093	Suspending the entry into the United States, as immigrants or nonimmigrants, of foreign government officials responsible for failing to combat trafficking in persons
2007, July 3 – Bush Proclamation 8158, 72 Fed. Reg. 36587	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten Lebanon’s sovereignty and democracy (e.g., current or former Lebanese government officials and private persons who “deliberately undermine or harm Lebanon’s sovereignty”)
2006, May 16 – Bush Proclamation 8015, 71 Fed. Reg. 28541	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten the transition to democracy in Belarus (e.g., Members of the government of Alyaksandr Lukashenka and other persons involved in policies or actions that “undermine or injure democratic institutions or impede the transition to democracy in Belarus”)
2004, Jan. 14 – Bush Proclamation 7750, 69 Fed. Reg.	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who have engaged in or benefitted from corruption in specified ways (e.g., current or former public officials whose solicitation or acceptance of articles of

Date & President	Nature of the Exclusion
2287	monetary value or other benefits has or had "serious adverse effects on the national interests of the United States")
2002, Feb. 26 – Bush <i>Proclamation 7524, 67 Fed. Reg. 8857</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten Zimbabwe's democratic institutions and transition to a multi-party democracy (e.g., Senior members of the government of Robert Mugabe, persons who through their business dealings with Zimbabwe government officials derive significant financial benefit from policies that undermine or injure Zimbabwe's democratic institutions)
2001, June 29 – Bush <i>Proclamation 7452, 66 Fed. Reg. 34775</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten international stabilization efforts in the Western Balkans, or are responsible for wartime atrocities in that region
2000, Oct. 13 – Clinton <i>Proclamation 7359, 65 Fed. Reg. 60831</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who plan, engage in, or benefit from activities that support the Revolutionary United Front or otherwise impede the peace process in Sierra Leone
1999, Nov. 17 – Clinton <i>Proclamation 7249, 64 Fed. Reg. 62561</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens responsible for repression of the civilian population in Kosovo or policies that obstruct democracy in the Federal Republic of Yugoslavia (FRY) or otherwise lend support to the government of the FRY and the Republic of Serbia
1998, Jan. 16 – Clinton <i>Proclamation 7062, 63 Fed. Reg. 2871</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the military junta in Sierra Leone and their family
1997, Dec. 16 – Clinton <i>Proclamation 7060, 62 Fed. Reg. 65987</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of senior officials of the National Union for the Total Independence of Angola (UNITA) and adult members of their immediate families
1996, Nov. 26 – Clinton <i>Proclamation 6958, 61 Fed. Reg. 60007</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the government of Sudan, officials of that country, and members of the Sudanese armed forces
1996, Oct. 7 – Clinton <i>Proclamation 6925, 61 Fed. Reg. 52233</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who "formulate, implement, or benefit from policies that impede Burma's transition to democracy" and their immediate family members
1994, Oct. 27 – Clinton <i>Proclamation 6749, 59 Fed. Reg. 54117</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain aliens described in U.N. Security Council Resolution 942 (e.g., officers of the Bosnian Serb military and paramilitary forces and those acting on their behalf, or persons found to have provided financial, material, logistical, military, or other tangible support to Bosnian Serb forces in violation of relevant U.S. Security Council resolutions)
1994, Oct. 5 – Clinton <i>Proclamation 6730, 59 Fed. Reg. 50683</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Liberia's transition to democracy and their immediate family
1994, May 10 – Clinton <i>Proclamation 6685, 59 Fed. Reg. 24337</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens described in U.N. Security Council Resolution 917 (e.g., officers of the Haitian military, including the police, and their immediate families; major participants in the 1991 Haitian coup d'etat)
1993, Dec. 14 – Clinton <i>Proclamation 6636, 58 Fed. Reg. 65525</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Nigeria's transition to democracy and their immediate family
1993, June 23 – Clinton <i>Proclamation 6574, 58 Fed. Reg.</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate or benefit from policies that impede Zaire's transition to democracy and their immediate family

Date & President	Nature of the Exclusion
34209	
1993, June 7 – Clinton <i>Proclamation 6569, 58 Fed. Reg. 31897</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate, implement, or benefit from policies that impede the progress of negotiations to restore a constitutional government to Haiti and their immediate family
1992, June 1 – Bush <i>Executive Order 12807, 57 Fed. Reg. 23133</i>	Making provisions to enforce the suspension of the entry of undocumented aliens by sea and the interdiction of any covered vessel carrying such aliens
1988, Oct. 26 – Reagan <i>Proclamation 5887, 53 Fed. Reg. 43184</i>	Suspending the entry of specified Nicaraguan nationals into the United States as nonimmigrants (e.g., officers of the Nicaraguan government or the Sandinista National Liberation Front holding diplomatic or official passports)
1988, June 14 – Reagan <i>Proclamation 5829, 53 Fed. Reg. 22289</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain Panamanian nationals who formulate or implement the policies Manuel Antonio Noriega and Manuel Solis Palma, and their immediate families
1986, Aug. 26 – Reagan <i>Proclamation 5517, 51 Fed. Reg. 30470</i>	Suspending the entry of Cuban nationals as immigrants with certain specified exceptions (e.g., Cuban nationals applying for admission as immediate relatives under INA § 201(b))
1985, Oct. 10 – Reagan <i>Proclamation 5377, 50 Fed. Reg. 41329</i>	Suspending the entry of specified classes of Cuban nationals as nonimmigrants (e.g., officers or employees of the Cuban government or the Communist Party of Cuba holding diplomatic or official passports)
1981, Oct. 1 – Reagan <i>Proclamation 4865, 46 Fed. Reg. 48107</i>	Suspending the entry of undocumented aliens from the high seas, and directing the interdiction of certain vessels carrying such aliens

Source: Congressional Research Service, based on various sources cited in **Table 1**.

Note: In a number of cases, the exclusions listed in **Table 1** were expressly said to be waivable, in the Executive's discretion, when the entry of a particular alien otherwise subject to exclusion "would not be contrary to the interests of the United States." See, e.g., 50 Fed. Reg. 41329, at § 2 (Oct. 10, 1985).

Other Provisions of the INA

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States.³⁹ Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe."⁴⁰ (Nonimmigrants are aliens admitted to the United States for a specific period of time and purpose pursuant to one of the

³⁹ In addition, yet other provisions of the INA could be seen to give the Executive discretion as to whether certain categories of aliens are admitted. For example, Section 207(a)(2) of the INA could be seen to give the Executive broad discretion in determining how many aliens are admitted to the United States as refugees each year. See 8 U.S.C. § 1157(a)(2). Other provisions outside immigration law could also apply. See National Defense Authorization Act for FY2017, P.L. 114-328, §§ 1261-1265, —Stat.—(Dec. 23, 2016) (sanctions for human rights abusers); Consolidated Appropriations Act, P.L. 114-113, § 7031(c), 129 Stat. 2755 (Dec. 18, 2015) (providing that certain foreign officials involved in "significant corruption" and their immediate family are ineligible for entry to the United States); Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, P.L. 112-208, §§ 404-406, 126 Stat. 1505-1509 (Dec. 14, 2012) (excluding certain aliens involved in human rights abuses).

⁴⁰ 8 U.S.C. § 1184(a)(1).

“lettered” visas set forth in Section 101(a)(15) of the INA.⁴¹ Section 215(a)(1) similarly provides that “it shall be unlawful for any alien” to enter or depart the United States “except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.”⁴² In the past, the Executive has relied upon Section 215(a)(1), in particular, to exclude certain aliens. For example, President Carter cited to Section 215(a) when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranians during the Iran Hostage Crisis.⁴³

The current Section 215(a) was enacted as part of the INA in 1952.⁴⁴ However, similar language appeared in earlier immigration-related statutes.⁴⁵ Both the earlier language and the initial version of Section 215(a) granted the President the power to impose additional restrictions upon aliens’ entry into and departure from the United States during times of war and, in some cases, “national emergency.”⁴⁶ The President’s exclusion of certain aliens under this authority⁴⁷ was upheld in several court cases, the most notable of which was arguably the Supreme Court’s 1950 decision in *United States ex rel. Knauff v. Shaughnessy*.⁴⁸ There, the Court rejected a challenge to the exclusion of a German “war bride” under regulations promulgated pursuant to Presidential Proclamation 2523, which was itself issued under the authority of a predecessor of Section 215(a).⁴⁹ In so doing, the Court rejected the excluded bride’s argument that both the regulations and the underlying statute constituted an impermissible delegation of legislative power, reasoning that “[t]he exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not

⁴¹ *Id.* § 1101(a)(15) (defining an “immigrant” to mean “every alien *except* an alien who is within one of the following classes of nonimmigrant aliens....”) (emphasis added).

⁴² *Id.* § 1184(a)(1).

⁴³ See Executive Order 12172, Delegation of Authority With Respect to Entry of Certain Aliens Into the United States, 44 Fed. Reg. 67947, 67947 (Nov. 28, 1979) (authorizing the Secretary of State and the Attorney General to exercise “in respect of Iranians holding *nonimmigrant* visas, the authority conferred upon the President by section 215(a)(1) of the Act of June 27, 1952 (8 USC 1185)....”) (emphasis added); Executive Order 12206, Amendment of Delegation of Authority With Respect to Entry of Certain Aliens Into the United States,” 45 Fed. Reg. 24101, 24201 (Apr. 7, 1980) (amending Executive Order 12172 to cover *immigrant*, as well as nonimmigrant visas). The exclusion addressed in *Salé* was also effectuated, in part, under the authority of Section 215(a). See *supra* note 19.

⁴⁴ See P.L. 82-414, § 212(e), 66 Stat. 190 (June 27, 1952).

⁴⁵ See P.L. 65-164, 40 Stat. 559 (May 22, 1918) (“[W]hen the United States is at war, if the President shall find that public safety requires that restrictions and prohibitions ... be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful [f]or any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe.”); P.L. 77-113, 55 Stat. 252 (June 20, 1941) (similar).

⁴⁶ See 66 Stat. 190 (war and national emergency); 55 Stat. 252 (war); 40 Stat. 559 (war).

⁴⁷ See, e.g., Proclamation 3,004, Control of Persons Leaving or Entering the United States, 18 Fed. Reg. 489 (Jan. 17, 1953) (President Truman relying, in part, on a predecessor to Section 215(a) to impose restrictions on the entry of aliens into the Panama Canal Zone and American Samoa); Proclamation 2,850, 14 Fed. Reg. 5173 (Aug. 19, 1949) (President Truman relying, in part, on a predecessor to Section 215(a) in excluding aliens whose entry executive officials deem “would be prejudicial to the interests of the United States”); Proclamation 2,523, Control of Persons Entering and Leaving the United States, 6 Fed. Reg. 2617 (Nov. 18, 1941) (similar, President Roosevelt).

⁴⁸ 338 U.S. 537 (1950). See also *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953) (noting the President’s power to exclude aliens in the course of finding that an alien who was so excluded, but whom no other country would accept, was not entitled to release into the United States). The *Mezei* Court, in particular, cited a number of precedents for the proposition that “the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control.” 345 U.S. at 210 (citing *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952); *The Chinese Exclusion Case*, 130 U.S. 581 (1889); and *Fong Yue Ting v. United States*, 149 U.S. 698 (1893)).

⁴⁹ *Knauff*, 338 U.S. at 540-42.

from legislative power but is inherent in the executive power to control the foreign affairs of the nation.”⁵⁰ Therefore, in the Court’s view, Congress could not have run afoul of the non-delegation doctrine by authorizing the President to exercise this power “for the best interests of the country” during wartime because the President already possessed such authority.⁵¹ The *Knauff* Court similarly rejected the argument that the regulations in question were not “reasonable,” as required by the statutory authority under which they were issued—which in relevant part, made it unlawful for an alien to enter the United States “except under such reasonable rules ... as the President may prescribe.”⁵² The Court did so because it viewed the regulations excluding aliens whose entry was “deemed prejudicial to the public interest” as “reasonable in the circumstances of the period for which they were authorized, namely, the national emergency of World War II.”⁵³

The statutory language regarding war and national emergency—which arguably factored into the Court’s decision in *Knauff*—was deleted from Section 215(a) in 1978.⁵⁴ However, it seems unlikely that this deletion would serve as a basis for overruling the *Knauff* Court’s conclusions about whether the power in question was impermissibly delegated to the Executive,⁵⁵ or about what constitutes a “reasonable” regulation for purposes of Section 215(a).⁵⁶ *Knauff*’s statements about the inherent power of nations to exclude aliens outside the United States with no recognized ties to the country would also generally seem to remain good law.⁵⁷

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⁵⁰ *Id.* at 542.

⁵¹ *Id.* at 542-43 (“[T]here is no question of inappropriate delegation of legislative power involved here.”). The non-delegation doctrine precludes Congress from handing over its legislative powers to other branches of the federal government. However, Congress may “confer[] decisionmaking authority upon agencies, so long as it ‘lays down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform.’” See *Whitman v. Am. Trucking Ass’n*, 531 U.S. 457, 472 (2001) (internal quotations omitted).

⁵² 338 U.S. at 544.

⁵³ *Id.*

⁵⁴ P.L. 95-426, § 707(a), 92 Stat. 992-93 (Oct. 7, 1978).

⁵⁵ Cf. Cass R. Sunstein, *Nondelegation Canons*, 67 U. CHI. L. REV. 315, 315 (2000) (“Since 1935, the Supreme Court has not struck down an act of Congress on nondelegation grounds....”).

⁵⁶ There does not appear to be any court cases establishing what is meant by the term “reasonable regulations” for purposes of Section 215(a) and its predecessors. However, courts may grant considerable deference to the Executive’s determinations in this area, given the “plenary power” that the political branches are generally seen to have over immigration. See, e.g., *Mathews v. Diaz*, 426 U.S. 67, 81 (1976) (“For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.”).

⁵⁷ See, e.g., *Jean v. Nelson*, 472 U.S. 847, 875 (1985) (“It is in the area of entry] that the Government’s interest in protecting our sovereignty is at its strongest and that individual claims to constitutional entitlement are the least compelling.”); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977) (citing cases finding that the power to exclude is a “fundamental sovereign attribute”); *Kleindeinst v. Mandel*, 408 U.S. 753, 765 (similar) (1972). Certain limits to this power have, however, been recognized, particularly as to aliens with recognized ties to the United States or who would need to be detained in the United States to effectuate their exclusion. See, e.g., CRS Legal Sidebar WSLG1695, *Supreme Court to Hear Challenge to Aliens’ Detention Pending Removal Proceedings*, by Kate M. Manuel.

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:05 AM
To: Tynan, Natalie S; Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

And here's what I've learned from RAO: Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 12:01:29 PM
To: Rigdon, Jerry L; Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Thanks Jerry and Kathryn.

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:58:25 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon

Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

(b)(6)

From: Neufeld, Donald W

Sent: Saturday, January 28, 2017 11:34:34 AM

To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T

Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)

Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 9:35:13 AM

To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark

Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division

Office of Policy and Strategy, U.S. Citizenship and Immigration Services

Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Friday, February 03, 2017 11:00 AM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S – not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

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From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nlmick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **Interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. A process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest;

4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E

Sent: Friday, February 03, 2017 11:20 AM

To: Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Hermann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy

Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L

Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

"This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database

- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

 (b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 10:58 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 7:28 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> 1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality [database to collect identity documents] already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the “highlights”):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of “blocked” countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for

refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission

do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in

subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration

benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in

conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of

State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with

applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

Gillispie, Anna E

From: Levine, Laurence D
Sent: Friday, February 03, 2017 7:12 AM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: Here are the latest CBP talkers - I'm not sure what they're used for, but I presume it's for public comms
Attachments: QA for EO on Protecting the Nation FINAL.DOCX

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

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Gillispie, Anna E

From: Levine, Laurence D
Sent: Friday, February 03, 2017 1:24 PM
To: Phillips, Mark; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Thanks Mark

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark
Sent: Friday, February 03, 2017 2:23:41 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

I have no nominations to make from our group. We'll be happy to work with and through the OP&S reps.

From: Levine, Laurence D
Sent: Friday, February 03, 2017 1:55:57 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

We're going to have to keep it to 2 or 3 folks - just let me know your nominations by COB.
Thanks!

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Friday, February 03, 2017 12:00:17 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L (Samantha.L.Deshommes@uscis.dhs.gov); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S – not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

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From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Phillip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;

3. A process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E

Sent: Friday, February 03, 2017 11:20 AM

To: Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

"This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor

Field Operations Directorate
U.S. Citizenship and Immigration Services



(b)(6)

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Gillispie, Anna E

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Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

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Larry Levine
Acting Chief
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U.S. Citizenship and Immigration Services
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From: Levine, Laurence D
Sent: Friday, February 03, 2017 12:00:17 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L (Samantha.L.Deshommes@uscis.dhs.gov); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S – not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

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From: Valverde, Michael

Sent: Friday, February 03, 2017 11:57 AM

To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy

Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L

Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

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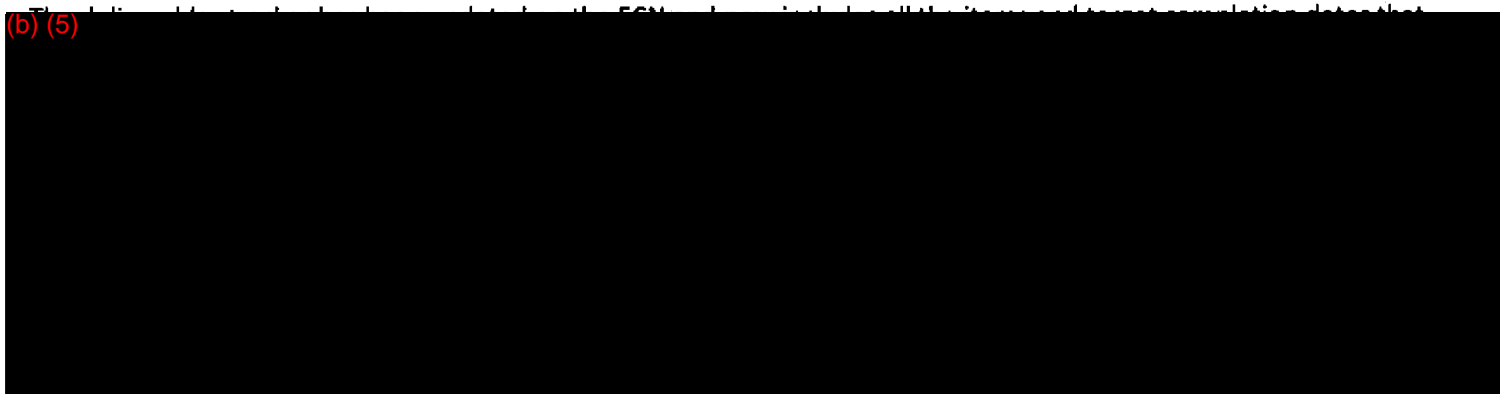
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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L

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Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS

Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
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Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services



(b)(6)

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Gillispie, Anna E

From: Rather, Michael B
Sent: Friday, February 03, 2017 2:02 PM
To: Cummings, Kevin J; Levine, Laurence D
Cc: Phillips, Mark; Parascandola, Ciro A
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Thanks Kevin! I hope you enjoy the weekend, too!

It's unanimous, right? Go Falcons!

Michael B. Rather | Division Chief

Resource Management & Mission Support Division | Office of Policy and Strategy (OPS)
U.S. Citizenship & Immigration Services (USCIS) | Department of Homeland Security (DHS)
20 Massachusetts Avenue NW - Suite 1200 | Washington, DC 20529

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From: Cummings, Kevin J
Sent: Friday, February 03, 2017 2:48 PM
To: Levine, Laurence D
Cc: Phillips, Mark; Parascandola, Ciro A; Rather, Michael B
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

We echo Mr Phillips. Happy Weekend gents.

From: Levine, Laurence D
Sent: Friday, February 03, 2017 2:24:13 PM
To: Phillips, Mark; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Thanks Mark

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

(b)(6)

From: Phillips, Mark

Sent: Friday, February 03, 2017 2:23:41 PM

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Sent: Friday, February 03, 2017 1:55:57 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

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U.S. Citizenship and Immigration Services

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Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Friday, February 03, 2017 11:07 AM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

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Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[REDACTED]

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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
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Field Operations Directorate
U.S. Citizenship and Immigration Services



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Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States


RJ Linnan for IHAD. Thanks!

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Sent: Friday, February 03, 2017 1:56 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

We're going to have to keep it to 2 or 3 folks - just let me know your nominations by COB.
Thanks!

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Sent: Friday, February 03, 2017 12:00:17 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L;  Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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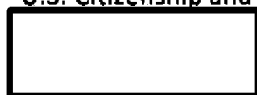
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It's unclear, but we're thinking it may well encompass those kinds of benefits (asylum, ref, etc.), too – or at least don't see clearly why it wouldn't. So, from our perspective, in the early phases at least and as the scope is being defined, we would like to participate, too.

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As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS

Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&I
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services



(b)(6)

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Gillispie, Anna E

From: Parascandola, Ciro A
Sent: Friday, February 03, 2017 11:16 AM
To: Cummings, Kevin J
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Yeah but we should not be pressed on this.

From: Cummings, Kevin J
Sent: Friday, February 03, 2017 12:12:31 PM
To: Parascandola, Ciro A
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

If pressed, Bazaire

From: Levine, Laurence D
Sent: Friday, February 03, 2017 12:00:17 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S -- not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


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From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R;

Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. A process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E

Sent: Friday, February 03, 2017 11:20 AM

To: Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on

this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

"This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
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Budgetary/Staffing Needs	All EOs	N/A	MGMT
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Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

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Gillispie, Anna E

From: Silwany, Oscar Y
Sent: Monday, January 30, 2017 12:11 AM
To: Levine, Laurence D
Cc: Lin, Melissa; Cummings, Kevin J; Deshommes, Samantha L; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B
Subject: RE: Executive Order - ECN Link

Hello there, we may have issues with permissions, etc., with the doc stored in a BFW site library. As such, I created a dedicated site. We are going to need one very soon anyway as we did with CIR in 2013. See links to site and library where matrix is stored below.

So you know, the library supports versioning; the latest version includes RCD's comments. We can tighten up permissions tomorrow, among other items. I wanted to send this to you all first – if OK with you and Larry, please send to others.

I am having internet (and cable) issues at home and need to wait for a Verizon tech tomorrow (using iPhone as a hot spot for now).

Presidential Actions ECN site (beta): <http://ecn.uscis.dhs.gov/team/ops/PDC/ExecActions/default.aspx>

The matrix is housed here: <http://ecn.uscis.dhs.gov/team/ops/PDC/ExecActions/SharedLibrary/Forms/AllItems.aspx>

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 7:19 PM
To: Cummings, Kevin J; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

Nice - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:08:18 PM
To: Levine, Laurence D; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L

(Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W

Subject: RE: Executive Order - ECN Link

From: Viger, Steven W

Sent: Sunday, January 29, 2017 7:01 PM

To: Cummings, Kevin J

Cc: Parascandola, Ciro A

Subject: RE: Executive Order

Here's the link: Executive Order. Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Thanks to Steven, here is the ECN link to the document.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 4:04 PM

To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security



(b)(6)

From: Deshommes, Samantha L

Sent: Sunday, January 29, 2017 3:58:09 PM

To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 3:28:37 PM

To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 2:39 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 1:19:08 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in

section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order


Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy


(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED]
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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
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5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more

urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

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To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications

on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

 (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms, if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).

Steps and qualifications for emergency OMB approval:

- 1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
- 2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with ODP and Office of Privacy
- 3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
- 4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.

As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:

- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]


(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

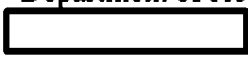
Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or

protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

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DHS USCIS
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US Citizenship & Immigration Services

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U.S. Citizenship and Immigration Services

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

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Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

 (b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

(b)(6)

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 1:19:08 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Prelogar, Brandon B

Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(5)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;


Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate, U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

*Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security*

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant by [REDACTED]
[REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> 1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the ?? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality [database to collect identity documents] already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

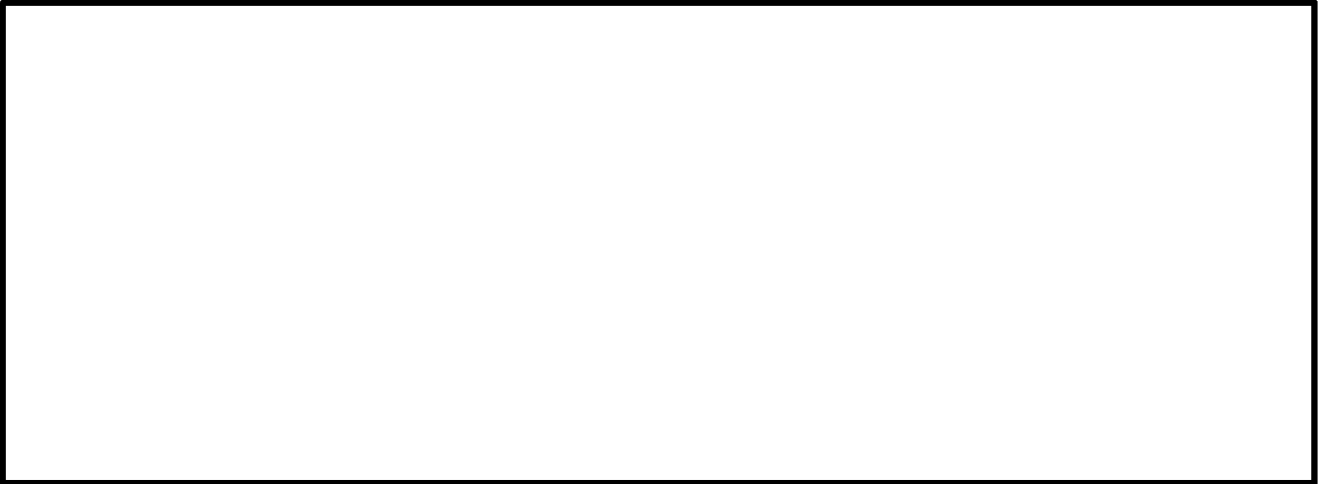
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none">• radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States• information regarding the number and types of acts of gender-based violence against women, including honor killings,• any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2]

Deshommes, Samantha L

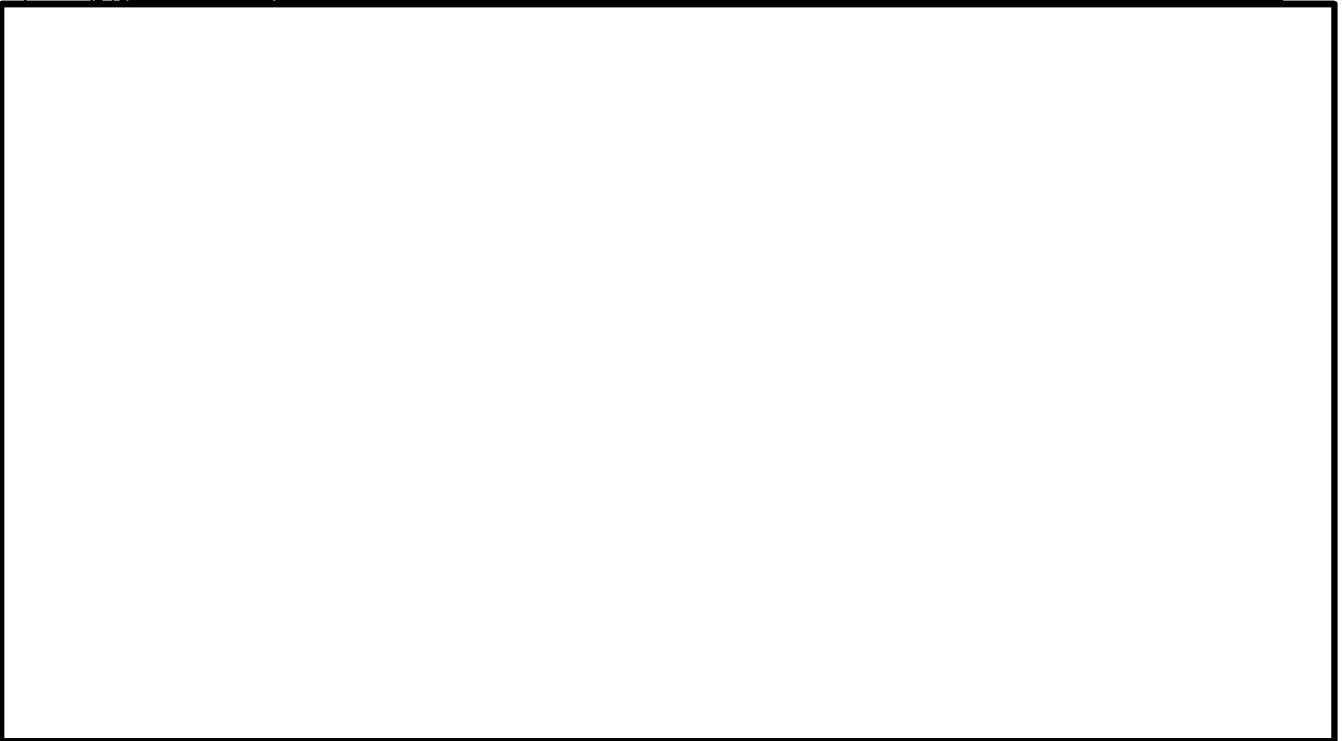
1/29/2017 3:36:00 PM



Page 3: [2] Comment [SLD3]

Deshommes, Samantha L

1/29/2017 3:11:00 PM



(b)(5)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 1:58 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

[REDACTED]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.


Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommnes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommnes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lissette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lissette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J;

Emrich, Matthew D

Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S

Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]
(b)(5)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 1:43 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

 (b)(6)

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From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

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Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director



(b)(6)

From: Renaud, Daniel M
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To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security


(b)(6)


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To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services


(b)(6)

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Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person.

(b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]
(b)(6)

Gillispie, Anna E

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 12:11 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director



(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

[REDACTED]
(b)(6)

From: Ruppel, Joanna

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel

Chief, International Operations Division

U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

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Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Cc: Renaud, Tracy L; McCament, James W
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Cc: Renaud, Tracy L; Neufeld, Donald W
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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 8:15 PM
To: Levine, Laurence D; Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

DHS HQ has been busy with press releases today on the EO. See link below to the DHS.gov site for the 4 press releases issued today.

<https://www.dhs.gov/news-releases>

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

[REDACTED]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna);

Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

(b)(6)

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 3:31 PM

To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of

foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[REDACTED]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED]

(b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]
(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 10:58 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:31 AM
To: Valverde, Michael; Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Young, Todd P; Slattery, Shannon E; Walters, Jessica S; Nicholson, Maura J
Subject: RE: Executive Order

IO is still seeking clarification on some things (was hoping to get today), but likely will do same.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[REDACTED] (b)(6)

From: Valverde, Michael
Sent: Sunday, January 29, 2017 11:29 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Walters, Jessica S
Subject: RE: Executive Order

Yes. We've got just about everything on hold (meaning no final decisions) from the countries until we give further guidance.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

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I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
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For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

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To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
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To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services

Department of Homeland Security

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Sent: Saturday, January 28, 2017 11:21:12 AM

To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S

Subject: RE: Executive Order

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Tracy L. Renaud

Acting Deputy Director

US Citizenship & Immigration Services

Department of Homeland Security

[REDACTED] (b)(6)

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Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel

Chief, International Operations Division

U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

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Department of Homeland Security | U.S. Citizenship and Immigration Services

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Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

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Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: Farnam, Julie E; Kvortek, Lisette E
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I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

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Field Operations Directorate | U.S. Citizenship and Immigration Services

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To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
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DHS USCIS
Field Operations Directorate, Deputy Associate Director



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Lori

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 8:00 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:56:01 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 7:31:26 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L

Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:26 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L

Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 5:59:36 PM

To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W

Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M

Sent: Friday, January 27, 2017 5:47 PM

To: Scialabba, Lori L; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W

Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud

Associate Director, Field Operations Directorate

Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M

Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED]

We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]

(b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 9:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

[REDACTED] (b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

[REDACTED] (b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
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For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
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Tracy,

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[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 9:04 AM
To: Cummings, Kevin J; Parascandola, Ciro A; Levine, Laurence D
Subject: RE: Executive Order

I agree guys. The major questions that come to mind are legal and operational. We should be prepared to put some of them forward, but from a policy perspective we are going to have to wait for that guidance before we know what direction to take.

Having said that, it is worth looking at forms because I am sure we will have to make revisions to include vetting questions such as social media. Again though, the vetting aimed at national interest and benefit to this country change the adjudication of petitions.

I appreciate your thoughts so please share as things come up! Clearly this is fluid.

N

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 9:57:36 AM
To: Parascandola, Ciro A; Levine, Laurence D
Cc: Tynan, Natalie S
Subject: RE: Executive Order

I completely agree. Legal decisions/interpretations are key at the outset.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 9:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you

anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 9:35:13 AM

To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

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Subject: RE: Executive Order

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Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

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To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

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(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

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Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[REDACTED]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

 (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

 (b)(6)

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To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

 (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Sent: Friday, January 27, 2017 8:04:01 PM
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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:54 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

 (b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.


From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security



(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM

To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
and Immigration Services

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
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Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED]
(b)(6)

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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US Citizenship & Immigration Services
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Chief, International Operations Division
U.S. Citizenship and Immigration Services

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Lori

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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Subject: FW: Executive Order

(b)(5)

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(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 10:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S

Subject: RE: Executive Order

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Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

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U.S. Citizenship and Immigration Services

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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
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To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

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Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

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To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

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DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

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Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[REDACTED]

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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Associate Director, Field Operations Directorate

Department of Homeland Security | U.S. Citizenship and Immigration Services

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(b)(5)

EVL I think Andrew might be right in terms of what is meant but [REDACTED]

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(b)(5)

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Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
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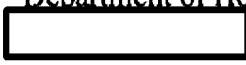
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U.S. Citizenship and Immigration Services

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[REDACTED]

[REDACTED] (b)(5)

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111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 11:26 AM

To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

 (b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 11:19:35 AM

To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 10:48 AM

To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 9:35:13 AM

To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark

Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security


(b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services

Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]

(b)(6)

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lissette E
Subject: RE: Executive Order

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Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

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Sent: Saturday, January 28, 2017 11:42 AM

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Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

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DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

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Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Ruppel, Joanna
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To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

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State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[REDACTED]
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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

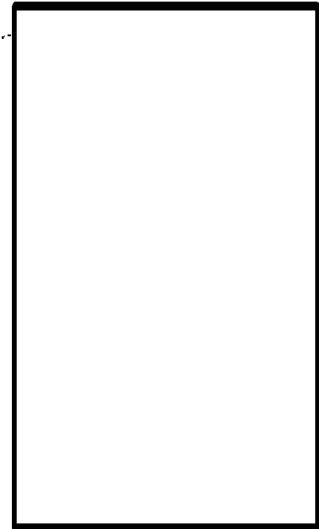
- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? Should we deschedule oath ceremonies for individuals from the ?? How do we handle N-400s 120+ days from interview? Should we stop RFEs? Should we stop scheduling interviews? What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other Immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)



Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality [database to collect identity documents] already exist and be implemented? Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

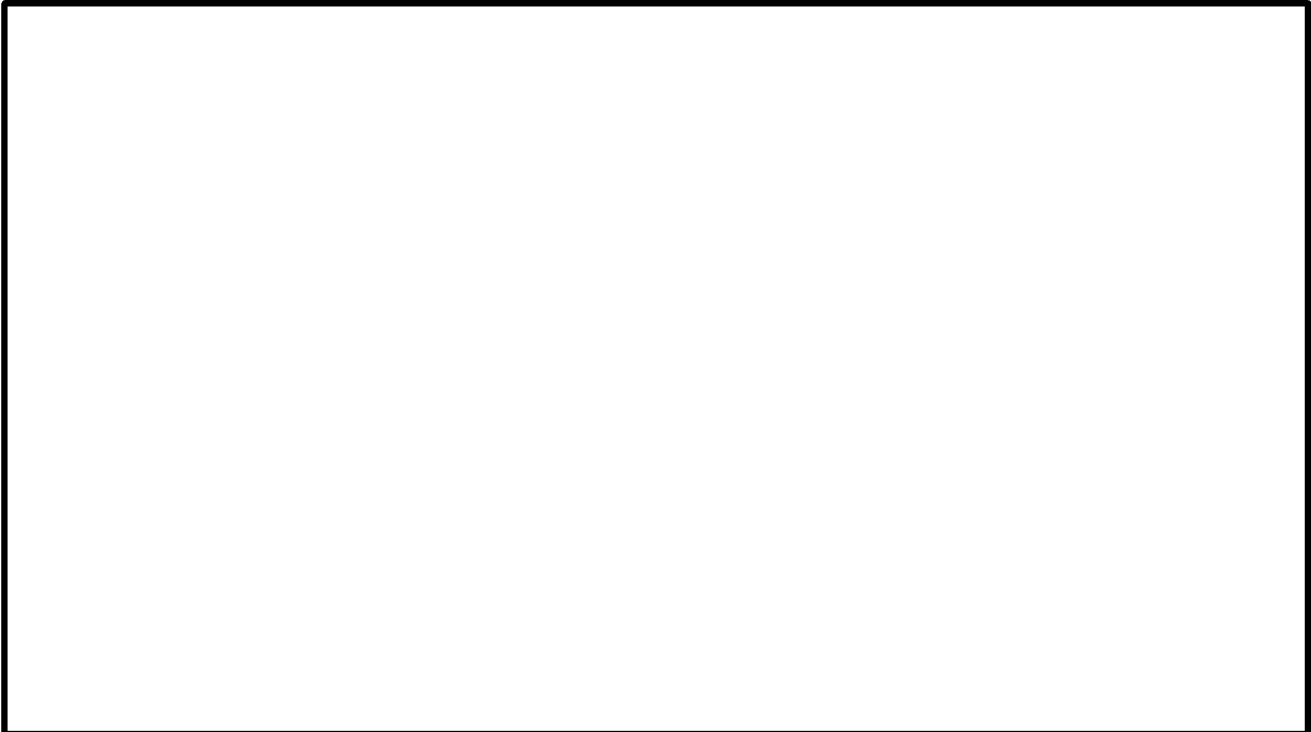
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM



Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM



(b)(5)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the “highlights”):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of “blocked” countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for

refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission

do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in

subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration

benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in

conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of

State and Homeland Security may jointly determine to admit ~~individuals to the United States as refugees~~ on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the ~~President periodic reports on the progress of the directive~~ contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with

applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

Gillispie, Anna E

From: Phillips, Mark
Sent: Sunday, January 29, 2017 8:25 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

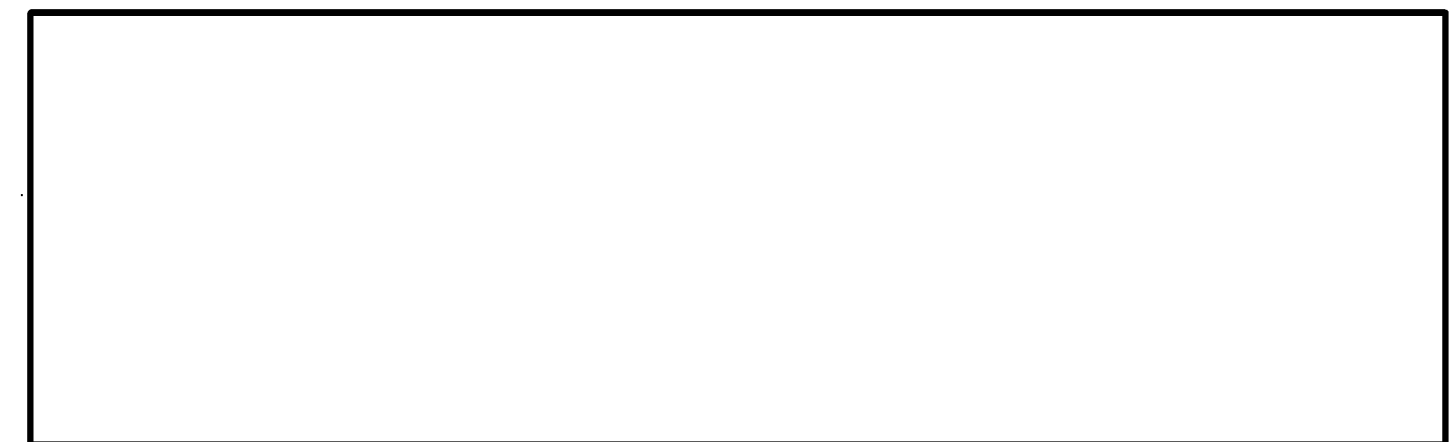
Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and

nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lissette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lissette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person

(b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:52 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTOdocx; Congressional research service report January 2017 on 212(f).pdf

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

[REDACTED]

(b)(6)

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To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

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Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

[REDACTED]

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

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Daniel M. Renaud

Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
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To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

 (b)(6)

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 8:00 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality (database to collect identity documents) already exist and be implemented? Would these (amended application forms) be internal worksheets and not OMB cleared changes to existing forms? (Regarding mechanism to ensure applicant's claimed identity) Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6: Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7: Expedited Completion of the Biometric Entry-Exit Tracking System						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

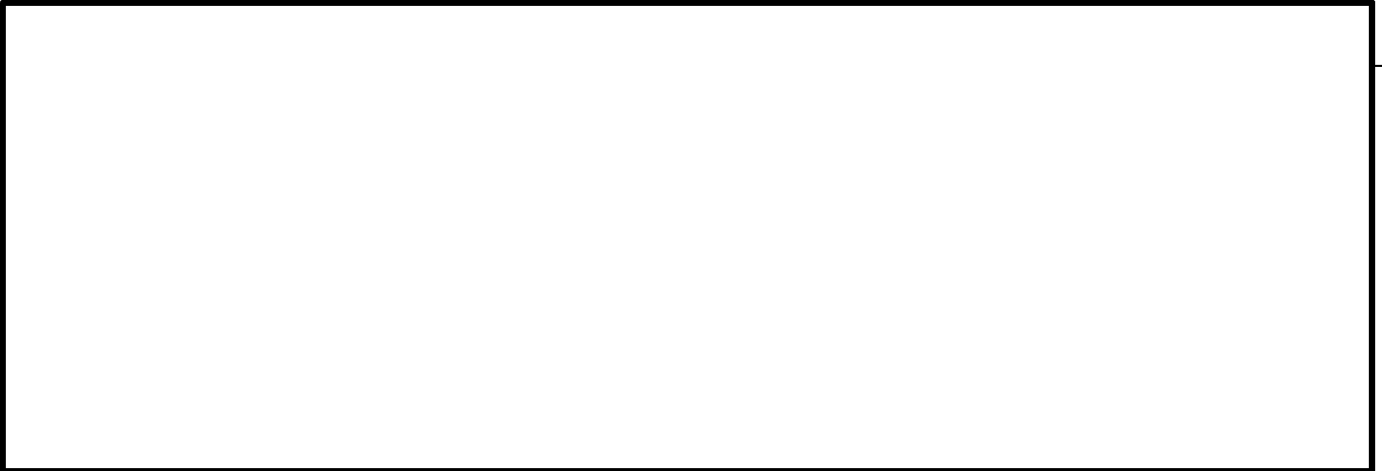
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States ▪ information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2]

Deshommes, Samantha L

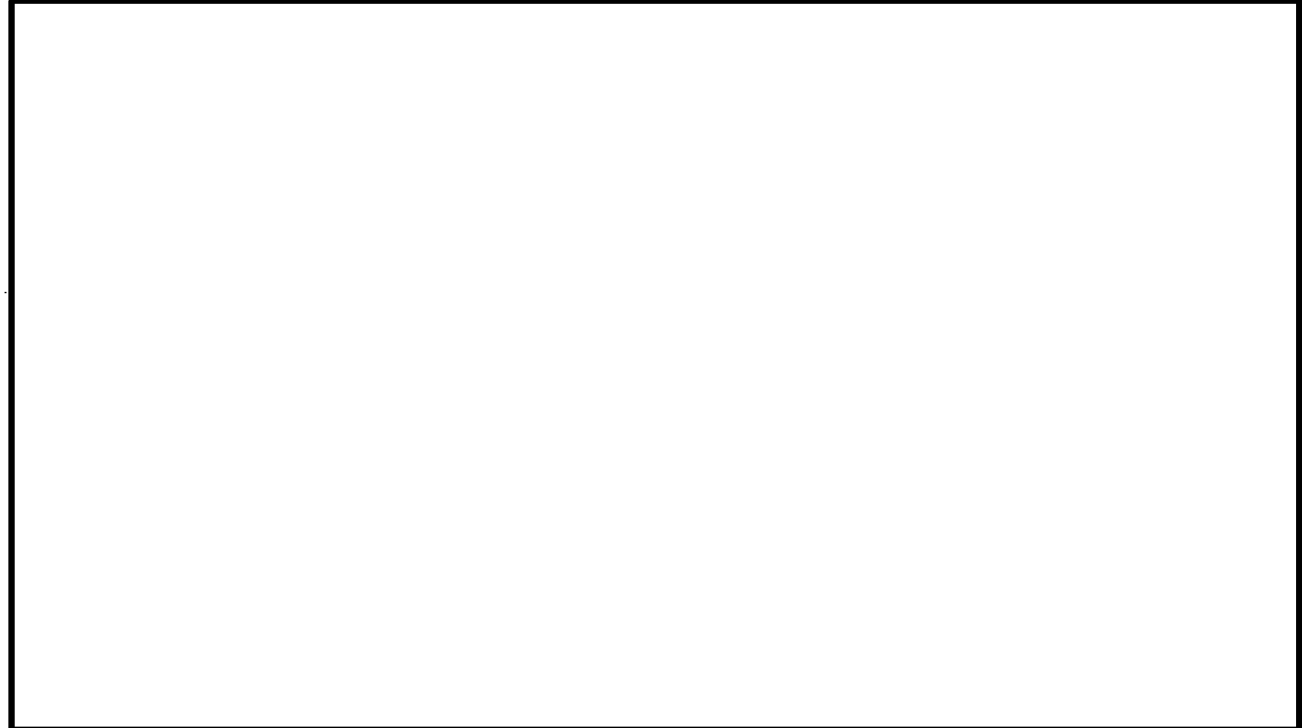
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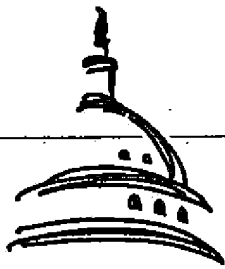
Page 3: [2] Comment [SLD3]

Deshommes, Samantha L

1/29/2017 3:11:00 PM



(b)(5)



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Executive Authority to Exclude Aliens: In Brief

Kate M. Manuel

Acting Section Research Manager

January 23, 2017

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CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are “inadmissible”—or barred from admission to the country—on health, criminal, security, and other grounds set forth in the INA. However, the INA also grants the Executive several broader authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically prescribed in the INA.

Section 212(f) of the INA is arguably the broadest and best known of these authorities. It provides, in relevant part, that

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

Over the years, Presidents have relied upon Section 212(f) to suspend or otherwise restrict the entry of individual aliens and classes of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon these aliens. Among those so excluded have been aliens whose actions “threaten the peace, security, or stability of Libya”; officials of the North Korean government; and aliens responsible for “serious human rights violations.”

Neither the text of Section 212(f) nor the case law to date suggests any firm legal limits upon the President’s exercise of his authority to exclude aliens under this provision. The central statutory constraint imposed on Section 212(f)’s exclusionary power is that the President must have found that the entry of any alien or class of aliens would be “detrimental to the interests of the United States.” The statute does not address (1) what factors should be considered in determining whether aliens’ entry is “detrimental” to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are “appropriate”; or (4) how long any restrictions should last. The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision confers broad authority to bar or impose conditions upon the entry of aliens. Key among these cases is the Supreme Court’s 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum or withholding of removal did not violate the INA or the United Nations Convention Relating to the Status of Refugees. The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) and “suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation.” However, depending on their scope, future executive actions under Section 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive’s prior exercises of this authority.

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens’ entry to the United States. Most notably, Section 214(a)(1) prescribes that the “admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe.” Section 215(a)(1) similarly provides that “it shall be unlawful for any alien” to enter or depart the United States “except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.” For example, President Carter cited Section 215(a)—rather than Section 212(f)—when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranian citizens during the Iran Hostage Crisis.

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Author Contact Information	12
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The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are “inadmissible”—or generally barred from admission to the country¹—on health, criminal, security, and other grounds set forth in the INA.² However, the INA also grants the Executive several broad authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically set forth in the INA. Section 212(f) of the INA is arguably the broadest and best known of these provisions,³ but Sections 214(a)(1) and 215(a)(1) can also be seen to authorize the Executive to restrict aliens’ entry or admission to the United States.⁴

This report provides a brief overview of the Executive’s authority under these provisions of the INA. It begins with and focuses primarily on Section 212(f). It also briefly notes other provisions.

Section 212(f) of the INA

The provisions currently in Section 212(f)—which have been part of the INA since its enactment in 1952⁵—state, in relevant part, that

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.⁶

Legislative history materials from the time of the INA’s enactment suggest that these provisions were seen to grant the President broad authority to bar or impose conditions upon the entry of aliens,⁷ and Presidents over the years have relied upon Section 212(f) to suspend or restrict the entry of various groups of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon them. Among those so excluded have been aliens whose actions

¹ The INA defines “admission” to mean “the lawful entry of an alien into the United States after inspection and authorization by an immigration officer.” INA § 101(a)(13)(A), 8 U.S.C. § 1101(a)(13)(A). The INA is codified in Title 8 of the United States Code, and references to the INA in this report also include references to the corresponding sections of Title 8.

² See INA § 212(a), 8 U.S.C. § 1182(a) (prescribing the inadmissibility of, among others, aliens who have a communicable disease of public health significance; have been convicted of two or more criminal offenses; have engaged in a terrorist activity; are permanently ineligible for citizenship; or have previously voted in violation of any federal, state, or local law). Certain of these grounds of inadmissibility may be waived. See, e.g., INA § 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v) (authorizing the Executive to waive the 3- and 10-year bars upon the admission of aliens who have been unlawfully present in the United States for more than 180 days if the refusal of admission to the alien would result in “extreme hardship” to a parent or spouse who is a U.S. citizen or lawful permanent resident (LPR)).

³ 8 U.S.C. § 1182(f).

⁴ 8 U.S.C. §§ 1184(a)(1), 1185(a)(1). As is discussed later in this report, the term “entry” is no longer defined for purposes of the INA. See Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), P.L. 104-208, § 301(a), 110 Stat. 3009-575 (Sept. 30, 1996) (amending INA § 101(a)(13) so that it defines “admission,” instead of “entry”). However, at one time, the INA defined the term “entry” to mean “any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise.” INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994). See *infra* notes 26-27 and accompanying text.

⁵ 8 U.S.C. § 1182(f).

⁶ See P.L. 82-414, § 212(e), 66 Stat. 188 (June 27, 1952).

⁷ See, e.g., H.R. RPT. 1365, 82d Cong., 2d Sess., at 53 (Feb. 14, 1952) (“The bill vests in the President the authority to suspend the entry of all aliens if he finds that their entry would be detrimental to the interests of the United States, for such period as he shall deem necessary.”).

“threaten the peace, security, or stability of Libya”;⁸ officials of the North Korean government or the Workers’ Party of North Korea;⁹ aliens who have participated in “serious human rights violations”;¹⁰ and others noted in **Table 1** below.

Neither the text of Section 212(f) nor the case law to date suggests any firm legal constraints upon the President’s exercise of his authority under Section 212(f), as is explained below. However, future executive actions under INA § 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive’s prior exercise of this authority.¹¹

Statutory Language and Executive Branch Interpretations

On its face, Section 212(f) would appear to give the President broad authority to preclude or otherwise restrict the entry into the United States of individual aliens or classes of aliens who are outside the United States and lack recognized ties to the country.¹² The central statutory constraint imposed on Section 212(f)’s exclusionary power is that the President must have found that the entry of any aliens or class of aliens would be “detrimental to the interests of the United States” in order to exclude the alien or class of aliens.¹³ The statute does not address (1) what factors should be considered in determining whether aliens’ entry is “detrimental” to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are “appropriate”; or (4) how long any restrictions should last. There also do not appear to be any regulations addressing the exercise of presidential authority under Section 212(f).

The Department of State’s *Foreign Affairs Manual* (FAM) seemingly provides the only publicly available executive branch guidance on the President’s Section 212(f) authority. In relevant part, the FAM notes that Section 212(f) proclamations “typically” grant the Secretary of State authority to identify individuals covered by the proclamation and to waive its application for foreign policy

⁸ See Executive Order 13726, Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya, 81 Fed. Reg. 23559 (Apr. 21, 2016).

⁹ See Executive Order 13687, Imposing Additional Sanctions With Respect To North Korea, 80 Fed. Reg. 819 (Jan. 6, 2015).

¹⁰ See Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, 76 Fed. Reg. 49277 (Aug. 9, 2011).

¹¹ Not knowing the form that future restrictions might take, or the grounds upon which such restrictions might be subject to legal challenges, it would be premature to assess whether specific restrictions might be within the Executive’s authority. However, it is important to note that aliens outside the United States who have no ties to the country generally have limited ability to challenge the denial of visas or admission to them. See, e.g., *Shaughnessy v. Mezei*, 345 U.S. 206, 216 (1953) (“Whatever our individual estimate of that policy and the fears on which it rests, respondent’s right to enter the United States depends on the congressional will, and courts cannot substitute their judgment for the legislative mandate.”); *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 542 (1950) (“[A]n alien who seeks admission to this country may not do so under any claim of right. Admission of aliens to the United States is a privilege granted by the sovereign United States Government. Such privilege is granted to an alien only upon such terms as the United States shall prescribe.”). But see *Kleindienst v. Mandel*, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons adversely affected by the denial of a visa waiver to an alien outside the United States may have a right to challenge the denial under certain circumstances).

¹² LPRs who leave the United States for a brief period of time are distinguishable from, for example, refugees seeking to be admitted to the United States. See, e.g., *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (discussing due process concerns raised by the application to an LPR of a statute which provided for the exclusion of any alien who “at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law”).

¹³ INA § 212(f), 8 U.S.C. § 1182(f).

or other national interests.¹⁴ The FAM also notes that such proclamations may bar entry based on either affiliation or “objectionable” conduct. In addition, it provides that Section 212(f) may reach persons who are inadmissible under other provisions of law, in which case, the “statutory inadmissibilities are to be considered prior to determining whether a Presidential Proclamation applies.”¹⁵ However, the FAM is generally not seen as having the force of law to bind the executive branch.¹⁶ Thus, the Executive would not need to engage in notice-and-comment rulemaking in order to alter particular practices contained in the FAM that have historically been associated with exercises of Section 212(f) authority (e.g., not relying on a 212(f) proclamation to bar the admission of aliens who are inadmissible on other grounds).¹⁷

Judicial Constructions of Section 212(f)

The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision of the INA confers broad authority to suspend or restrict the entry of aliens. Key among these cases is the Supreme Court’s 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum and withholding of removal did not violate either the INA or the United Nations Convention Relating to the Status of Refugees.¹⁸ The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) of the INA¹⁹ and “suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation.”²⁰ Although the *Sale* Court was primarily concerned with whether the INA and UN Convention provisions regarding withholding of removal applied extraterritorially,²¹ it is arguably important for understanding the scope of the President’s Section 212(f) authority. In particular, the *Sale* decision arguably helped clarify the relationship between exercises of the authority granted by Section 212(f) and those granted by other provisions of the INA, as well as the meaning of *entry* for purposes of Section 212(f).

¹⁴ 9 FAM § 302.11-3(B)(1), available at <https://fam.state.gov/Fam/FAM.aspx> (last accessed: Jan. 3, 2017).

¹⁵ *Id.*

¹⁶ See, e.g., *Patel v. U.S. Dep’t of State*, No. 11-cv-6-wmc, 2013 U.S. Dist. LEXIS 108592, at *13 (W.D. Wis. Aug. 2, 2013) (“[T]he Foreign Affairs Manual is an internal guideline that sets forth agency practice and procedures. Because internal guidelines and agency manuals like the Foreign Affairs Manual are not subject to [Administrative Procedure Act] APA rulemaking procedures, they lack the force of law and do not bind agency discretion.”).

¹⁷ For more on the constraints of the rulemaking process, see generally CRS Report R41546, *A Brief Overview of Rulemaking and Judicial Review*, by Todd Garvey and Daniel T. Shedd; CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey.

¹⁸ 509 U.S. 155, 158-59 (1993). Specifically at issue in *Sale* were the provisions currently in INA § 241(b)(3)(B) and Article 33 of the Convention, which both bar the return of aliens to countries where their life or freedom would be threatened because of their race, religion, nationality, political opinion, or membership in a particular social group. The United States is technically a party to the 1967 UN Protocol Relating to the Status of Refugees, not the 1951 Convention Relating to the Status of Refugees. However, the Protocol incorporated articles 2 to 34 of the Convention, and it is customary for commentators to refer to the Convention, not the Protocol, when discussing these articles.

¹⁹ Executive Order 12,807 also cited INA § 215(a)(1), which provides that “[u]nless otherwise ordered by the President, it shall be unlawful for any alien to depart from or enter ... the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.” 8 U.S.C. § 1185(a)(1). For further discussion of this provision, see *infra* “Other Provisions of the INA”.

²⁰ See *Interdiction of Illegal Aliens*, 57 Fed. Reg. 23133 (June 1, 1992). President George H.W. Bush initially issued this order, but President Clinton left the order in place without modifications when he took office. It remained in effect at the time of the Court’s decision in *Sale*. See generally 509 U.S. at 165.

²¹ *Sale*, 509 U.S. at 173-88.

In particular, the Court rejected the view of the U.S. Court of Appeals for the Second Circuit (“Second Circuit”) that interdiction was prohibited because of the INA’s prohibition upon the then-Attorney General returning an alien to a country where he or she would be persecuted.²² The Second Circuit had reached this conclusion by noting that the Attorney General was the President’s “agent” in matters of immigration.²³ Therefore, it found that INA’s prohibition on the Attorney General returning aliens to countries where the alien’s life or freedom would be threatened because of the alien’s race, religion, nationality, political opinion, or membership in a particular social group should be imputed to the rest of the executive branch.²⁴ The Supreme Court disagreed, however, holding that the interdiction program created by the President did not “usurp[] authority that Congress has delegated to, or implicate[] responsibilities that it has imposed on, the Attorney General alone.”²⁵ The Court reached this conclusion, in part, because it viewed the INA as restricting only the then-Attorney General’s immigration-related responsibilities under the act. It did not view the INA as restricting the President’s actions in geographic areas outside of where Congress had authorized the Attorney General to act in the immigration context (i.e., outside the United States).²⁶ The upshot of this reasoning was that the Court declined to find that the interdiction program implemented under the authority of Section 212(f) ran afoul of statutory or treaty-based restrictions.

The *Sale* decision also helped define what is meant by the term *entry* as that term is used in Section 212(f). At the time when *Sale* was decided, the INA explicitly defined *entry* to encompass “any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise.”²⁷ Therefore, consistent with this definition, the Court distinguished between (1) aliens who are “on our shores seeking admission” or “on the threshold of initial entry,” and (2) aliens who are within the United States after entry, regardless of the legality of that entry.²⁸ While the statutory definition of *entry* that the Court relied upon was deleted from the INA as part of the amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208),²⁹ the *Sale* Court’s construction of *entry* has persisted in discussions of Section 212(f) and in other contexts.³⁰

²² *Id.* at 171-72. For several decades, the authority to interpret, implement, and enforce the provisions of the INA was primarily vested in the Attorney General. The Attorney General, in turn, delegated this authority to the Immigration and Naturalization Service (INS) within the Department of Justice. Following the establishment of the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002 (P.L. 107-296), the INS was abolished and its functions were generally transferred to DHS. See 6 U.S.C. § 251. Although the INA still refers to the Attorney General in multiple places, such references are generally (although not universally) taken to mean the Secretary of Homeland Security. See generally CRS Legal Sidebar WSLG553, *Does It Matter Whether the INA Says DOJ or DHS?: An Example Involving Revocation of Asylum*, by Kale M. Manuel.

²³ *Haitian Centers Council, Inc. v. McNary*, 969 F.2d 1350, 1360 (2d Cir. 1992).

²⁴ *Id.* (“[W]e reject the government’s suggestion that since [the relevant provision of the INA] restricts actions of only the attorney general, the President might in any event assign the same “return” function to some other government official. Congress understood that the President’s agent for dealing with immigration matters is the attorney general, and we would find it difficult to believe that the proscription of [the INA]—returning an alien to his persecutors—was forbidden if done by the attorney general but permitted if done by some other arm of the executive branch.”).

²⁵ *Sale*, 509 U.S. at 172.

²⁶ *Id.* at 173. See also INA § 103(a)(1), 8 U.S.C. § 1103(a)(1) (“The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President....”).

²⁷ INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994).

²⁸ *Sale*, 509 U.S. at 174.

²⁹ P.L. 104-208, § 301(a), 110 Stat. 3009-575 (amending Section 101(a)(13) of the INA to define *admission*, instead of (continued...)

Lower court decisions provide some further discussion of exercises of 212(f) authority that would seem to be consistent with *Sale*. The most recent of these, an unpublished 2003 decision by the Second Circuit in *Sesay v. Immigration and Naturalization Service [INS]*, granted deference to the Board of Immigration Appeals' (BIA's) determination that the alien petitioner was ineligible for asylum because a grant of asylum necessarily requires entry, and the petitioner's entry was barred by Presidential Proclamation 7062.³¹ Previously, in its 1992 decision in *Haitian Refugee Center, Inc. v. Baker*, the U.S. Court of Appeals for the Eleventh Circuit had noted various precedents characterizing the power to exclude aliens from the country as an "inherent executive power" when opining that Section 212(f) "clearly grants the President broad discretionary authority to control the entry of aliens into the United States."³² A lower court, the U.S. District Court for the Northern District of California, similarly emphasized the breadth of the executive's power over entry in conjunction with its discussion of Section 212(f) in its 1996 decision in *Encuentro del Canto Popular v. Christopher*, stating,

The exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not alone from legislative power but is inherent in the executive power to control the foreign affairs of the nation. When Congress prescribes a procedure concerning the admissibility of aliens, it is not dealing alone with a legislative power. It is implementing an inherent executive power.³³

Collectively, *Sale* and these other decisions suggest that Section 212(f) gives the Executive significant power to bar or impose conditions upon the entry of aliens "on our shores seeking admission" or "on the threshold of initial entry."³⁴ None of these decisions note any limitations upon the President's power under Section 212(f). This silence could, however, be seen, in part, to reflect the arguably limited nature of the Executive's use of its Section 212(f) authority to date. As Table 1 below illustrates, prior exercises of presidential authority under Section 212(f) have

(...continued)

entry). See *supra* note 5.

³⁰ See, e.g., *Sesay v. INS*, 74 Fed. App'x 84, 86 (2d Cir. 2003) (considering the meaning of "entry" in the course of addressing whether a grant of asylum requires entry into the United States); *Matter of Rosas-Ramirez*, 22 I. & N. Dec. 616, 617 (BIA 1999) (discussing whether adjustment of status while within the United States constitutes an "admission" for purposes of INA § 237(a)(2)(A)(iii), and noting that admission is defined, in part, in terms of "entry").

³¹ 74 Fed. App'x at 86. The BIA is the highest administrative tribunal for interpreting and applying immigration law. The Second Circuit noted, but did not address, arguments as to the relationship between Sections 212(d) and 212(f) in its decision. The Secretary of Homeland Security's authority to parole aliens into the United States under Section 212(d), however, could be seen as a counterpart to the President's authority under Section 212(f) in that the President may "parole"—or permit the entry into the United States—almost any alien, regardless of whether the alien is subject to one or more of the grounds of inadmissibility set forth in Section 212(a). See INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A) ("The Attorney General [later, Secretary of Homeland Security] may [subject to certain restrictions involving refugees and alien laborers] in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States....").

³² 953 F.2d 1498, 1506-08 (11th Cir. 1992).

³³ 930 F. Supp. 1360, 1365 (N.D. Cal. 1996) (quoting *Knauff v. Shaughnessy*, 338 U.S. 537 (1949) (upholding the executive branch's determination to exclude the alien wife of a former U.S. servicemember, who was eligible for admission under the War Brides Act of 1945, because of concerns that her admission would endanger public safety)). The *Christopher* case arose from a challenge to the denial or revocation of visas to certain Cubans pursuant to Presidential Proclamation 5377, which suspended the entry of individuals whom the Secretary of State (or a designee) considered to be officers or employees of the Cuban government or Cuban Communist Party. As the district court noted, although the plaintiffs at times seem to have suggested that Section 212(f) itself is invalid, their argument was best construed as being that Presidential Proclamation 5377 was invalid because it conflicted with Section 901 of the Foreign Relations Authorization Act for FY1988-1989. *Id.* at 1363.

³⁴ *Sale*, 509 U.S. at 174.

differed in terms of which and how many aliens are subject to exclusion. In no case to date, though, has the Executive purported to take certain types of action, such as barring all aliens from entering the United States for an extended period of time or explicitly distinguishing between categories of aliens based on their religion. Any such restrictions could potentially be seen to raise legal issues that were not raised by prior exclusions. For example, if the Executive were to seek to bar the entry of all aliens, as immigrants or nonimmigrants, for an extended time, questions could be raised about whether the President's action was consistent with Congress's intent in enacting statutes which prescribe criteria for the issuance of family- and employment-based immigrant and nonimmigrant visas and authorize the issuance of certain numbers of such visas each year.³⁵ Similarly, if the President were to purport to exclude aliens based on their religion, an argument could potentially be made that this action is in tension with U.S. treaty obligations³⁶ or the First Amendment.³⁷ (Distinctions between aliens based on nationality, in contrast, have historically been viewed as a routine feature of immigration legislation and subjected to deferential "rational basis" review by the courts.³⁸)

Table 1. Categories of Aliens Excluded under INA § 212(f)

Arranged Chronologically, from the Most to the Least Recent,
by the Date of Their Publication in the *Federal Register*

Date & President	Nature of the Exclusion
2016, Apr. 21 – Obama <i>Executive Order 13726, 81 Fed. Reg. 23559</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Libya" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability" of that country or may lead to or result in the

³⁵ For example, Section 203(a)(1) provides that "[q]ualified immigrants who are the unmarried sons or daughters of citizens of the United States *shall* be allocated visas in a number not to exceed 23,400" (with some additions possible) each year. See 8 U.S.C. § 1153(a)(1). "Shall" has been construed to indicate mandatory agency action when used in other contexts. See, e.g., *Kirtsaeng v. John Wiley & Sons, Inc.*, 136 S. Ct. 1979, 1983 (2016); *Kingdomware Techs., Inc. v. United States*, 136 S. Ct. 1969, 1977 (2016); *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S. Ct. 1923, 1931 (2016).

³⁶ For example, Article 2 of the International Covenant on Civil and Political Rights provides that "[e]ach State Party ... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind" based on religion, among other things. United Nations, Human Rights, Office of the High Commissioner, International Covenant on Civil and Political Rights, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (last accessed: Jan. 14, 2017). The United States ratified this Convention in 1992, with certain reservations, understandings, and declarations. See, e.g., Kristina Ash, *U.S. Reservations to the International Covenant on Civil and Political Rights: Credibility Maximization and Global Influence*, 3 NW. J. INT'L HUM. RTS. 1, 2 (2005). However, "Congress has not made the treaty enforceable in U.S. courts," and commentators have disagreed as to whether it or other provisions of law (e.g., the First Amendment) could serve as basis for invalidating the exclusion of certain aliens because of their religion. See, e.g., Debra Cassens Weiss, *Would SCOTUS Uphold Trump's Plan to Bar Muslim Immigrants*, ABA J., Dec. 9, 2015, http://www.abajournal.com/news/article/would_scutus_uphold_trumps_plan_to_bar_muslim_immigrants.

³⁷ Aliens outside the United States without recognized ties to the country might have difficulty in maintaining such a challenge. See *id.* However, in certain cases, a ban on the entry of persons based on religion could potentially be seen to impinge upon the First Amendment rights of U.S. citizens by, for example, excluding officers and teachers of that religion. Cf. *Kleindienst v. Mandel*, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons whose constitutional rights are adversely affected by the denial of a visa way to an alien outside the United States may have the right to challenge the denial in certain circumstances).

³⁸ See, e.g., *Rajah v. Mukasey*, 544 F.3d 427, 435-36 (2d Cir. 2008) (quoting an earlier decision to the effect that the "most exacting level of scrutiny that we will impose on immigration legislation is rational basis review"); *Narenji v. Civiletti*, 617 F.2d 745, 748 (D.C. Cir. 1980) ("[C]lassifications among aliens based upon nationality are consistent with due process and equal protection if supported by a rational basis....").

Date & President	Nature of the Exclusion
	misappropriation of Libyan state assets)
2016, Mar. 18 – Obama <i>Executive Order 13722, 81 Fed. Reg. 14943</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving North Korea (e.g., selling or purchasing metal, graphite, coal, or software directly or indirectly to or from North Korea, or to persons acting for or on behalf of the North Korean government or the Workers' Party of Korea)
2015, Nov. 25 – Obama <i>Executive Order 13712, 80 Fed. Reg. 73633</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Burundi" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability of Burundi," or "undermine democratic processes or institutions" in that country)
2015, Apr. 2 – Obama <i>Executive Order 13694, 80 Fed. Reg. 18077 (later amended by Executive Order 13757, 82 Fed. Reg. 1 (Jan. 3, 2017))</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in "significant malicious cyber-enabled activities" (e.g., harming or significantly compromising the provision of services by a computer or computer network that supports an entity in a critical infrastructure sector)
2015, Mar. 11 – Obama <i>Executive Order 13692, 80 Fed. Reg. 12747</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Venezuela" in specified ways (e.g., engaging in actions or policies that undermine democratic processes or institutions, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights)
2015, Jan. 6 – Obama <i>Executive Order 13687, 80 Fed. Reg. 819</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens with specified connections to North Korea (e.g., officials of the North Korean government or the Workers' Party of Korea)
2014, Dec. 24 – Obama <i>Executive Order 13685, 79 Fed. Reg. 77357</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving the Crimea region of Ukraine (e.g., materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of, persons whose property or interests are blocked pursuant to the order)
2014, May 15 – Obama <i>Executive Order 13667, 79 Fed. Reg. 28387</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the conflict in the Central African Republic in specified ways (e.g., engaging in actions or policies that threaten the peace, security, or stability of that country, or that threaten transitional agreements or the political transition process)
2014, Apr. 7 – Obama <i>Executive Order 13664, 79 Fed. Reg. 19283</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to South Sudan (e.g., actions or policies that "have the purpose or effect of expanding or extending the conflict" in that country, or obstructing reconciliation or peace talks or processes)
2014, Mar. 24 – Obama <i>Executive Order 13662, 79 Fed. Reg. 16169</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the situation in Ukraine in specified ways (e.g., operating in the financial services, energy, metals and mining, engineering, or defense and related materiel sectors of the Russian Federation economy)
2014, Mar. 19 – Obama <i>Executive Order 13661, 79 Fed. Reg. 15535</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., officials of the government of the Russian Federation, or persons who operate in the arms or related materiel sector)
2014, Mar. 10 – Obama <i>Executive Order 13660, 79 Fed.</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., engagement in or responsibility for misappropriation of state assets of

Date & President	Nature of the Exclusion
Reg. 13493 2013, June 5 – Obama Executive Order 13645, 78 Fed. Reg. 33945	Ukraine or of economically significant entities in that country) Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who have engaged in certain conduct related to Iran (e.g., materially assisting, sponsoring, or providing support for, or goods or services to or in support of, any Iranian person included on the list of Specially Designated Nationals and Blocked Persons)
2012, Oct. 12 – Obama Executive Order 13628, 77 Fed. Reg. 62139	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain actions involving Iran (e.g., knowingly transferring or facilitating the transfer of goods or technologies to Iran, to entities organized under Iranian law or subject to Iranian jurisdiction, or to Iranian nationals, that are likely to be used by the Iranian government to commit serious human rights abuses against the Iranian people)
2012, July 13 – Obama Executive Order 13619, 77 Fed. Reg. 41243	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to threaten the peace, security, or stability of Burma in specified ways (e.g., participation in the commission of human rights abuses, or importing or exporting arms or related materiel to or from North Korea)
2012, May 3 – Obama Executive Order 13608, 77 Fed. Reg. 26409	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to Iran and Syria (e.g., facilitating deceptive transactions for or on behalf of any person subject to U.S. sanctions concerning Iran and Syria)
2012, Apr. 24 – Obama Executive Order 13606, 77 Fed. Reg. 24571	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have engaged in specified conduct involving "grave human rights abuses by the governments of Iran and Syria via information technology" (e.g., operating or directing the operation of communications technology that facilitates computer or network disruption, monitoring, or tracking that could assist or enable serious human rights abuses by or on behalf of these governments)
2011, Aug. 9 – Obama Proclamation 8697, 76 Fed. Reg. 49277	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who participate in serious human rights and humanitarian law violations and other abuses (e.g., planning, ordering, assisting, aiding and abetting, committing, or otherwise participating in "widespread or systemic violence against any civilian population" based, in whole or in part, on race, color, descent, sex, disability, language, religion, ethnicity, birth, political opinion, national origin, membership in a particular social group, membership in an indigenous group, or sexual orientation or gender identity)
2011, July 27 – Obama Proclamation 8693, 76 Fed. Reg. 44751	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens subject to U.N. Security Council travel bans and International Emergency Economic Powers Act sanctions
2009, Jan. 22 – Bush Proclamation 8342, 74 Fed. Reg. 4093	Suspending the entry into the United States, as immigrants or nonimmigrants, of foreign government officials responsible for failing to combat trafficking in persons
2007, July 3 – Bush Proclamation 8158, 72 Fed. Reg. 36587	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten Lebanon's sovereignty and democracy (e.g., current or former Lebanese government officials and private persons who "deliberately undermine or harm Lebanon's sovereignty")
2006, May 16 – Bush Proclamation 8015, 71 Fed. Reg. 28541	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten the transition to democracy in Belarus (e.g., Members of the government of Alyaksandr Lukashenka and other persons involved in policies or actions that "undermine or injure democratic institutions or impede the transition to democracy in Belarus")
2004, Jan. 14 – Bush Proclamation 7750, 69 Fed. Reg.	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who have engaged in or benefitted from corruption in specified ways (e.g., current or former public officials whose solicitation or acceptance of articles of

Date & President	Nature of the Exclusion
2287	monetary value or other benefits has or had "serious adverse effects on the national interests of the United States")
2002, Feb. 26 – Bush <i>Proclamation 7524, 67 Fed. Reg. 8857</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten Zimbabwe's democratic institutions and transition to a multi-party democracy (e.g., Senior members of the government of Robert Mugabe, persons who through their business dealings with Zimbabwe government officials derive significant financial benefit from policies that undermine or injure Zimbabwe's democratic institutions)
2001, June 29 – Bush <i>Proclamation 7452, 66 Fed. Reg. 34775</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten international stabilization efforts in the Western Balkans, or are responsible for wartime atrocities in that region
2000, Oct. 13 – Clinton <i>Proclamation 7359, 65 Fed. Reg. 60831</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who plan, engage in, or benefit from activities that support the Revolutionary United Front or otherwise impede the peace process in Sierra Leone
1999, Nov. 17 – Clinton <i>Proclamation 7249, 64 Fed. Reg. 62561</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens responsible for repression of the civilian population in Kosovo or policies that obstruct democracy in the Federal Republic of Yugoslavia (FRY) or otherwise lend support to the government of the FRY and the Republic of Serbia
1998, Jan. 16 – Clinton <i>Proclamation 7062, 63 Fed. Reg. 2871</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the military junta in Sierra Leone and their family
1997, Dec. 16 – Clinton <i>Proclamation 7060, 62 Fed. Reg. 65987</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of senior officials of the National Union for the Total Independence of Angola (UNITA) and adult members of their immediate families
1996, Nov. 26 – Clinton <i>Proclamation 6958, 61 Fed. Reg. 60007</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the government of Sudan, officials of that country, and members of the Sudanese armed forces
1996, Oct. 7 – Clinton <i>Proclamation 6925, 61 Fed. Reg. 52233</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who "formulate, implement, or benefit from policies that impede Burma's transition to democracy" and their immediate family members
1994, Oct. 27 – Clinton <i>Proclamation 6749, 59 Fed. Reg. 54117</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain aliens described in U.N. Security Council Resolution 942 (e.g., officers of the Bosnian Serb military and paramilitary forces and those acting on their behalf, or persons found to have provided financial, material, logistical, military, or other tangible support to Bosnian Serb forces in violation of relevant U.S. Security Council resolutions)
1994, Oct. 5 – Clinton <i>Proclamation 6730, 59 Fed. Reg. 50683</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Liberia's transition to democracy and their immediate family
1994, May 10 – Clinton <i>Proclamation 6685, 59 Fed. Reg. 24337</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens described in U.N. Security Council Resolution 917 (e.g., officers of the Haitian military, including the police, and their immediate families; major participants in the 1991 Haitian coup d'etat)
1993, Dec. 14 – Clinton <i>Proclamation 6636, 58 Fed. Reg. 65525</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Nigeria's transition to democracy and their immediate family
1993, June 23 – Clinton <i>Proclamation 6574, 58 Fed. Reg.</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate or benefit from policies that impede Zaire's transition to democracy and their immediate family

Date & President	Nature of the Exclusion
34209	
1993, June 7 – Clinton <i>Proclamation 6569, 58 Fed. Reg. 31897</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate, implement, or benefit from policies that impede the progress of negotiations to restore a constitutional government to Haiti and their immediate family
1992, June 1 – Bush <i>Executive Order 12807, 57 Fed. Reg. 23133</i>	Making provisions to enforce the suspension of the entry of undocumented aliens by sea and the interdiction of any covered vessel carrying such aliens
1988, Oct. 26 – Reagan <i>Proclamation 5887, 53 Fed. Reg. 43184</i>	Suspending the entry of specified Nicaraguan nationals into the United States as nonimmigrants (e.g., officers of the Nicaraguan government or the Sandinista National Liberation Front holding diplomatic or official passports)
1988, June 14 – Reagan <i>Proclamation 5829, 53 Fed. Reg. 22289</i>	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain Panamanian nationals who formulate or implement the policies Manuel Antonio Noriega and Manuel Solis Palma, and their immediate families
1986, Aug. 26 – Reagan <i>Proclamation 5517, 51 Fed. Reg. 30470</i>	Suspending the entry of Cuban nationals as immigrants with certain specified exceptions (e.g., Cuban nationals applying for admission as Immediate relatives under INA § 201(b))
1985, Oct. 10 – Reagan <i>Proclamation 5377, 50 Fed. Reg. 41329</i>	Suspending the entry of specified classes of Cuban nationals as nonimmigrants (e.g., officers or employees of the Cuban government or the Communist Party of Cuba holding diplomatic or official passports)
1981, Oct. 1 – Reagan <i>Proclamation 4865, 46 Fed. Reg. 48107</i>	Suspending the entry of undocumented aliens from the high seas, and directing the interdiction of certain vessels carrying such aliens

Source: Congressional Research Service, based on various sources cited in **Table 1**.

Note: In a number of cases, the exclusions listed in **Table 1** were expressly said to be waivable, in the Executive's discretion, when the entry of a particular alien otherwise subject to exclusion "would not be contrary to the interests of the United States." See, e.g., 50 Fed. Reg. 41329, at § 2 (Oct. 10, 1985).

Other Provisions of the INA

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States.³⁹ Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe."⁴⁰ (Nonimmigrants are aliens admitted to the United States for a specific period of time and purpose pursuant to one of the

³⁹ In addition, yet other provisions of the INA could be seen to give the Executive discretion as to whether certain categories of aliens are admitted. For example, Section 207(a)(2) of the INA could be seen to give the Executive broad discretion in determining how many aliens are admitted to the United States as refugees each year. See 8 U.S.C. § 1157(a)(2). Other provisions outside immigration law could also apply. See National Defense Authorization Act for FY2017, P.L. 114-328, §§ 1261-1265, —Stat.—(Dec. 23, 2016) (sanctions for human rights abusers); Consolidated Appropriations Act, P.L. 114-113, § 7031(c), 129 Stat. 2755 (Dec. 18, 2015) (providing that certain foreign officials involved in "significant corruption" and their immediate family are ineligible for entry to the United States); Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, P.L. 112-208, §§ 404-406, 126 Stat. 1505-1509 (Dec. 14, 2012) (excluding certain aliens involved in human rights abuses).

⁴⁰ 8 U.S.C. § 1184(a)(1).

"lettered" visas set forth in Section 101(a)(15) of the INA.⁴¹ Section 215(a)(1) similarly provides that "it shall be unlawful for any alien" to enter or depart the United States "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe."⁴² In the past, the Executive has relied upon Section 215(a)(1), in particular, to exclude certain aliens. For example, President Carter cited to Section 215(a) when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranians during the Iran Hostage Crisis.⁴³

The current Section 215(a) was enacted as part of the INA in 1952.⁴⁴ However, similar language appeared in earlier immigration-related statutes.⁴⁵ Both the earlier language and the initial version of Section 215(a) granted the President the power to impose additional restrictions upon aliens' entry into and departure from the United States during times of war and, in some cases, "national emergency."⁴⁶ The President's exclusion of certain aliens under this authority⁴⁷ was upheld in several court cases, the most notable of which was arguably the Supreme Court's 1950 decision in *United States ex rel. Knauff v. Shaughnessy*.⁴⁸ There, the Court rejected a challenge to the exclusion of a German "war bride" under regulations promulgated pursuant to Presidential Proclamation 2523, which was itself issued under the authority of a predecessor of Section 215(a).⁴⁹ In so doing, the Court rejected the excluded bride's argument that both the regulations and the underlying statute constituted an impermissible delegation of legislative power, reasoning that "[t]he exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not

⁴¹ *Id.* § 1101(a)(15) (defining an "immigrant" to mean "every alien except an alien who is within one of the following classes of nonimmigrant aliens....") (emphasis added).

⁴² *Id.* § 1184(a)(1).

⁴³ See Executive Order 12172, Delegation of Authority With Respect to Entry of Certain Aliens Into the United States, 44 Fed. Reg. 67947, 67947 (Nov. 28, 1979) (authorizing the Secretary of State and the Attorney General to exercise "in respect of Iranians holding *nonimmigrant visas*, the authority conferred upon the President by section 215(a)(1) of the Act of June 27, 1952 (8 USC 1185)....") (emphasis added); Executive Order 12206, Amendment of Delegation of Authority with Respect to Entry of Certain Aliens Into the United States, 45 Fed. Reg. 24101, 24201 (Apr. 7, 1980) (amending Executive Order 12172 to cover *immigrant*, as well as *nonimmigrant visas*). The exclusion addressed in *Safe* was also effectuated, in part, under the authority of Section 215(a). See *supra* note 19.

⁴⁴ See P.L. 82-414, § 212(e), 66 Stat. 190 (June 27, 1952).

⁴⁵ See P.L. 65-164, 40 Stat. 559 (May 22, 1918) ("[W]hen the United States is at war, if the President shall find that public safety requires that restrictions and prohibitions ... be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful [f]or any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe."); P.L. 77-113, 55 Stat. 252 (June 20, 1941) (similar).

⁴⁶ See 66 Stat. 190 (war and national emergency); 55 Stat. 252 (war); 40 Stat. 559 (war).

⁴⁷ See, e.g., Proclamation 3,004, Control of Persons Leaving or Entering the United States, 18 Fed. Reg. 489 (Jan. 17, 1953) (President Truman relying, in part, on a predecessor to Section 215(a) to impose restrictions on the entry of aliens into the Panama Canal Zone and American Samoa); Proclamation 2,850, 14 Fed. Reg. 5173 (Aug. 19, 1949) (President Truman relying, in part, on a predecessor to Section 215(a) in excluding aliens whose entry executive officials deem "would be prejudicial to the interests of the United States"); Proclamation 2,523, Control of Persons Entering and Leaving the United States, 6 Fed. Reg. 2617 (Nov. 18, 1941) (similar, President Roosevelt).

⁴⁸ 338 U.S. 537 (1950). See also *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953) (noting the President's power to exclude aliens in the course of finding that an alien who was so excluded, but whom no other country would accept, was not entitled to release into the United States). The *Mezei* Court, in particular, cited a number of precedents for the proposition that "the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control." 345 U.S. at 210 (citing *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952); *The Chinese Exclusion Case*, 130 U.S. 581 (1889); and *Fong Yue Ting v. United States*, 149 U.S. 698 (1893)).

⁴⁹ *Knauff*, 338 U.S. at 540-42.

from legislative power but is inherent in the executive power to control the foreign affairs of the nation.”⁵⁰ Therefore, in the Court’s view, Congress could not have run afoul of the non-delegation doctrine by authorizing the President to exercise this power “for the best interests of the country” during wartime because the President already possessed such authority.⁵¹ The *Knauff* Court similarly rejected the argument that the regulations in question were not “reasonable,” as required by the statutory authority under which they were issued—which in relevant part, made it unlawful for an alien to enter the United States “except under such reasonable rules ... as the President may prescribe.”⁵² The Court did so because it viewed the regulations excluding aliens whose entry was “deemed prejudicial to the public interest” as “reasonable in the circumstances of the period for which they were authorized, namely, the national emergency of World War II.”⁵³

The statutory language regarding war and national emergency—which arguably factored into the Court’s decision in *Knauff*—was deleted from Section 215(a) in 1978.⁵⁴ However, it seems unlikely that this deletion would serve as a basis for overruling the *Knauff* Court’s conclusions about whether the power in question was impermissibly delegated to the Executive,⁵⁵ or about what constitutes a “reasonable” regulation for purposes of Section 215(a).⁵⁶ *Knauff*’s statements about the inherent power of nations to exclude aliens outside the United States with no recognized ties to the country would also generally seem to remain good law.⁵⁷

Author Contact Information

Kate M. Manuel
Acting Section Research Manager
kmanuel@crs.loc.gov, 7-4477

⁵⁰ *Id.* at 542.

⁵¹ *Id.* at 542-43 (“[T]here is no question of inappropriate delegation of legislative power involved here.”). The non-delegation doctrine precludes Congress from handing over its legislative powers to other branches of the federal government. However, Congress may “confer[] decisionmaking authority upon agencies, so long as it “lays down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform.” See *Whitman v. Am. Trucking Ass’n*, 531 U.S. 457, 472 (2001) (internal quotations omitted).

⁵² 338 U.S. at 544.

⁵³ *Id.*

⁵⁴ P.L. 95-426, § 707(a), 92 Stat. 992-93 (Oct. 7, 1978).

⁵⁵ Cf. Cass R. Sunstein, *Nondelegation Canons*, 67 U. CHI. L. REV. 315, 315 (2000) (“Since 1935, the Supreme Court has not struck down an act of Congress on nondelegation grounds....”).

⁵⁶ There does not appear to be any court cases establishing what is meant by the term “reasonable regulations” for purposes of Section 215(a) and its predecessors. However, courts may grant considerable deference to the Executive’s determinations in this area, given the “plenary power” that the political branches are generally seen to have over immigration. See, e.g., *Mathews v. Diaz*, 426 U.S. 67, 81 (1976) (“For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.”).

⁵⁷ See, e.g., *Jean v. Nelson*, 472 U.S. 847, 875 (1985) (“It is in the area of entry] that the Government’s interest in protecting our sovereignty is at its strongest and that individual claims to constitutional entitlement are the least compelling.”); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977) (citing cases finding that the power to exclude is a “fundamental sovereign attribute”); *Kleindienst v. Mandel*, 408 U.S. 753, 765 (similar) (1972). Certain limits to this power have, however, been recognized, particularly as to aliens with recognized ties to the United States or who would need to be detained in the United States to effectuate their exclusion. See, e.g., CRS Legal Sidebar WSLG1695, *Supreme Court to Hear Challenge to Aliens’ Detention Pending Removal Proceedings*, by Kate M. Manuel.

Gillispie, Anna E

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 5:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

 (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Saturday, January 28, 2017 9:47 AM
To: Levine, Laurence D; Rather, Michael B; Deshommies, Samantha L; Rigdon, Jerry L
Subject: RE: Maybe we've done this

Honestly with the one that came out yesterday, arguably all forms have to be revised to ask about the "national security" questions. The torrent of issues under that section in the EO could potentially require a change in every form.

Social media vetting will likely also be a part of this. CBP's ESTA form was recently revised to include an optional question about social media handles. If they privacy act application chances, questions like that can go on every form.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:31:07 AM
To: Tynan, Natalie S; Rather, Michael B; Deshommies, Samantha L; Rigdon, Jerry L
Subject: Maybe we've done this

But, at least with the three EOs out there, let's make a list of all the regs and forms we can reasonably expect will be needed from them. Can you all look through them and make a list to be reviewed and amended (if necessary) by the other Chiefs. We should keep an eye on the drafts too - that's where the real torrential work lies - but for now, let's stick to what's been signed.

Thanks,
Larry

Larry Levine
Senior Advisor to the Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:22 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: RE: Two Questions

I forgot to note - #2 below includes a directive to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest.

(b)(5)

[Redacted]

N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[Redacted] (b)(5)

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 8:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D (Laurence.D.Levine@uscis.dhs.gov); Rather, Michael B
Subject: FW: Two Questions

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the “highlights”):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.
4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission

do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in

subsection (a) of this section, to ensure the proper review and ~~maximum utilization of available resources for the screening of~~ foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration

benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in

conjunction with the Secretary of Homeland Security and in consultation with the ~~Director of National Intelligence~~, shall ~~review the USRAP application and adjudication process to~~ determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of

State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with

applicable law and national security, collect and make publicly available within 180-days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, ~~administrative, or legislative proposals.~~

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 10:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

Section 4(a) starts off focusing specifically on USCIS implementing "a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission."

Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission." (b)(5)

"Admission" is defined in the INA as:

(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters



(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 9:19 AM
To: Levine, Laurence D; Tynan, Natalie S
Cc: Deshommes, Samantha L
Subject: FW: Executive Order: Form Revisions Working Group - Meeting Minutes

Good Morning,

Kevin Greeley makes a great point about how USCIS should interpret the scope of section 4a of the "Protecting the Nation..." E.O. (See red font portion of email below.) Since clarifying the scope of this section is vital, I propose that we run this question up through the Forms Changes WG lead to Julie Farnam. Please let me know if you agree or if you have other thoughts.

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 10:08 AM
To: Rigdon, Jerry L; Kvortek, Steven P (Steve); Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

If the OP&S representatives (and potentially OP&S management) concur with my interpretation, then I think we should proactively raise this to the WG leads for consideration. I don't know if FDNS will necessarily agree, since it might significantly change the scope of the forms that FDNS predesignated. However, FDNS and adjudications often have differing opinions on certain matters.

I would defer to the group, and Jerry specifically as a management POC, as to the best course of action.

Thanks!

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

 (b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 10:04 AM
To: Greeley, Kevin A; Kvortek, Steven P (Steve); Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Kevin – This is a great catch!

I propose that we send Kevin's write-up to Shayla with a request to get Julie's take on the scope of 4a.

Thoughts?

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[REDACTED] (b)(6)

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 9:20 AM
To: Kvortek, Steven P (Steve); Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

However, I didn't raise this point in the Forms WG, which is what your notes cover. I only raised it in the Interview WG. So the thoughts expressed below haven't been presented to the Forms WG for consideration.

I wanted to raise it to the OP&S POCs included here for contemplation.

Thanks!

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

[REDACTED] (b)(6)

From: Kvortek, Steven P (Steve)
Sent: Wednesday, February 08, 2017 9:17 AM
To: Greeley, Kevin A; Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Thank you, Kevin. I tried to capture this in the notes but didn't expound upon the context of your comments at the working group meeting. I'll revise the meeting minutes to include this clarification.

-Steve

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 9:02 AM

To: Kvortek, Steven P (Steve); Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Hi, Steve. I don't have any suggested edits or additions. Although, something to consider for the OP&S POCs, is something I didn't raise until the Interview WG.

Section 4(a) starts off focusing specifically on USCIS implementing "a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission."

Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission."

(b)(5)

"Admission" is defined in the INA as:

(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for other forms already identified.

I should have raised this in the first WG, but it didn't strike me until the second WG. Regardless of what the intent might have been with the EO, I think we need to stick with the specific language. This is why it is essential to have knowledgeable immigration experts involved in drafting and reviewing EOs before they are signed. I think if we adhere to the specific wording of the EO, the scope of forms that might need to be considered will be significantly reduced.

I appreciate any thoughts you have on this in advance of the next WG meeting.

Thanks.

Kevin Greeley

Adjudications Officer

DHS|USCIS

Office of Policy & Strategy (OP&S)

National Security & Benefits Integrity Division (NSBI)

(b)(6)

From: Kvortek, Steven P (Steve)

Sent: Tuesday, February 07, 2017 5:41 PM

To: Rigdon, Jerry L; Greeley, Kevin A; Ramsay, John R

Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Thank you, Jerry. I appreciate the review and input.

From: Rigdon, Jerry L

Sent: Tuesday, February 07, 2017 5:37:07 PM

To: Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R

Subject: FW: Executive Order: Form Revisions Working Group - Meeting Minutes

Steve,

I added a few edits.

Thanks,

Jerry

Jerry Rigdon

Deputy Chief, Regulatory Coordination Division

Office of Policy and Strategy

USCIS Headquarters

(b)(6)

From: Kvortek, Steven P (Steve)

Sent: Tuesday, February 07, 2017 4:34 PM

To: Greeley, Kevin A; Rigdon, Jerry L

Subject: Executive Order: Form Revisions Working Group - Meeting Minutes

Kevin and Jerry,

Please see the attached draft meeting minutes of this morning's EO: *Form Revisions* working group meeting. If there is any additional information or changes that should be included, please advise and I'll update the notes.

Thank you,

Steve

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Thursday, February 09, 2017 11:31 AM
To: Levine, Laurence D; Rather, Michael B
Subject: Questions on Section 4a of EO #3

Hi – Jerry and Kevin raised issues related to section 4a of executive order #3 – Implementing Uniform Standards for All Immigration Programs. It looks like there are at least two working groups focused on this section – the forms revisions (headed by FDNS) and the interview (headed by FOD).

Here are the two questions:

1. What is the reporting structure for the WGs?
 - a. Jerry understands that anything produced by the forms WG will be sent to a Tiger Team at DHS.
 - b. We do not have visibility into that reporting structure or members of the Tiger Team.
2. Is there a uniform interpretation of section 4a?
 - a. Kevin and Jerry are concerned that the scope of the WGs looking at 4a is too large. I know we raised this up to FDNS; however, Kevin is on two WGs looking at this provision and from his report, it sounds like there is not a universal understanding or interpretation of section 4a.

I think these questions raise significant issues and that OP&S should at least be on record as having raised them. We could reach out directly to Julie or they could be raised in a FO meeting. I wanted to get your thoughts on this – our OP&S colleagues are having some angst.

N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC



(b)(6)

Gillispie, Anna E

From: Moulton, Shayla S
Sent: Wednesday, February 08, 2017 10:02 AM
To: Rigdon, Jerry L
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R; Temple, Mark C
Subject: RE: Clarification on Scope of Section 4a

Adding Mark Temple

Shayla Moulton
Special Assistant, HQFDNS Front Office
United States Citizenship and Immigration Services

(b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 11:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

Section 4(a) starts off focusing specifically on USCIS implementing "a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission."

Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission."

"Admission" is defined in the INA as:

(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

Gillispie, Anna E

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 7:19 AM
To: Rigdon, Jerry L; Tynan, Natalie S; Deshommes, Samantha L; Rather, Michael B
Cc: Ramsay, John R; Kvortek, Steven P (Steve); Hamilton, Cristina A
Subject: RE: Working Groups related to EOs

Hi, Natalie. In addition to the information that Jerry provided below, which includes NSBI coverage on the Forms WG, please note the following:

- From various WG discussions, it appears that there is a separate WG for each piece of Section 4(a) of the travel ban EO. This surprises me and I'm not sure if we have visibility into every WG at this time since that would add up to possibly 6 WGs just for that section of the EO.
- Steve and I are also participating in a WG for Interviews for that same EO.
- Nicole Rosich, a detailee for NSBI, is participating in the NTA WG.

That is all the information that I have at this time, unless Steve has any additional information to share.

Thanks!

Kevin Greeley

Adjudications Officer

DHS|USCIS

Office of Policy & Strategy (OP&S)

National Security & Benefits Integrity Division (NSBI)

 (b)(6)

From: Rigdon, Jerry L
Sent: Tuesday, February 07, 2017 12:41 PM
To: Tynan, Natalie S; Deshommes, Samantha L; Rather, Michael B
Cc: Ramsay, John R; Kvortek, Steven P (Steve); Greeley, Kevin A
Subject: RE: Working Groups related to EOs

Natalie,

Here is the information for the EOWG John and I are on. (Steve K. and Kevin G. are also members.)

EO: Protecting the Nation from Foreign Terrorist Entry into the United States

WG Name: Executive Order Immigration Forms Working Group

WG Lead: Shayla Moulton, USCIS FDNS

Who: Representatives from: FDNS, FOD, SCOPS, RAIO, and OP&S

OP&S Reps: Jerry Rigdon, John Ramsay, Steve Kvortek, and Kevin Greeley

This WG is tasked with determining options to meet the requirement of 4(a) in the EO. ("...amended application forms that include questions aimed at identifying fraudulent answers and malicious intent.")

The first meeting was held 2/7/17. WG's first FO deadline is to develop a proposal for submission to Julie Farnam 2/17/17.

Jerry

Jerry Rigdon

Deputy Chief, Regulatory Coordination Division

Office of Policy and Strategy

USCIS Headquarters

(b)(6)

From: Tynan, Natalie S

Sent: Tuesday, February 07, 2017 12:19 PM

To: Deshommes, Samantha L; Rather, Michael B

Cc: Rigdon, Jerry L; Ramsay, John R

Subject: RE: Working Groups related to EOs

Thanks so much Sam! This is very helpful.

Natalie S. Tynan

Senior Advisor

USCIS, Office of Policy & Strategy

20 Massachusetts Ave.

Washington, DC

(b)(6)

From: Deshommes, Samantha L

Sent: Tuesday, February 07, 2017 12:15 PM

To: Tynan, Natalie S; Rather, Michael B

Cc: Rigdon, Jerry L; Ramsay, John R; Deshommes, Samantha L

Subject: RE: Working Groups related to EOs

Hi Natalie and Mike,

So far, RCD is included on two work-groups or sub-groups. Jerry and John are participating in one, and I'm participating in the other. I'll leave it to them to describe the charter, etc. of the work/sub-group they are participating in.

Name: DHS-wide "Regulatory Efforts" IPT/Sub-working Group related to implementation of the three immigration Executive Orders

Lead: Christina McDonald, DHS OGC

Who: Regulatory Coordinators and APA-attorneys across USCIS, ICE, and CBP

OP&S Rep: Samantha Deshommes

1st task: To examine the three EOs jointly and to note (1) each regulation required by the three new immigration Executive Orders, and (2) the component responsible for each regulation

Outcome: Attached is what was provided to Joe Maher, Principal Deputy General Counsel (and Acting Chief Counsel)

Next steps: Unclear; I would imagine it depends on final policy decisions made at the Department level

Again, I'll let Jerry and/or John provide input on the other WG RCD has been pulled into.

As we discussed, until a definitive regulation or Information Collection change (i.e. "Form Change" or "PRA Change") is specified, RCD is a participant. Once a regulatory project, with a clear scope and goal, is greenlight by senior leadership, then RCD takes over in "leading" that particular project's working group. The same process holds true for PRA Actions.

Hope this helps, and please let me know if you have any questions on the above.

Thanks,
Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

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From: Tynan, Natalie S
Sent: Tuesday, February 07, 2017 11:15 AM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D
Subject: Working Groups related to EOs

Hi all – could you please send me and Mike a list of working groups and the names of OP&S POCs for those WGs related to the three executive orders? I know that we are tasked by the FO with leading two (Parole and NTA policy), but I suspect that we are being pulled into other ones.

Please let me know if you have any questions.

Thanks,
N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[REDACTED]
(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Tuesday, February 07, 2017 11:41 AM
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WG Lead: Shayla Moulton, USCIS FDNS
Who: Representatives from: FDNS, FOD, SCOPS, RAIO, and OP&S
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Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

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Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

 (b)(6)

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Sent: Tuesday, February 07, 2017 12:15 PM
To: Tynan, Natalie S; Rather, Michael B
Cc: Rigdon, Jerry L; Ramsay, John R; Deshommes, Samantha L
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Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

(b)(6)

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Please let me know if you have any questions.

Thanks,
N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

 (b)(6)

Gillispie, Anna E

From: Greeley, Kevin A
Sent: Thursday, February 09, 2017 12:15 PM
To: Tynan, Natalie S; Rigdon, Jerry L
Cc: Hamilton, Cristina A; Rather, Michael B
Subject: RE: Section 4a
Attachments: RE: Clarification on Scope of Section 4a; RE: EO Interview Working Group

Hi, everyone.

Here is Section 4(a):

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

Here are my primary concerns with how we are approaching section 4(a) in the working groups:

- Creating a separate WG for each item in the section seems inefficient since many of the items will overlap.
- There is no consistent understanding in how to interpret the plain language of the section and some of the language is not clearly defined.
- No one has been able to provide information on what the WH intended when the section was drafted.
- There has been no clear determination of who the section applies to.
- Without a consistent understanding of how to interpret the section, the separate products that each WG creates will not necessarily blend together cohesively.
- Depending on how the language is interpreted, some WGs may be going significantly beyond the scope of the plain language.
- The Interview WG is focusing on ways to improve the current interview process and not necessarily on answering whether or not USCIS is conducting in-person interviews for everyone covered under the EO.
- The Interview WG seems to intend to capture "wish list" items and all the things that USCIS would like to improve in the interview process, which seems to be beyond the scope of the EO.
- The section seems to specifically focus on "individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission."
- Emphasis in some of the WGs is on status granting forms such as the N-400, where the individual is neither seeking to enter the US nor making an admission.
- In the Forms WG, FDNS seems to contend that the EO applies to everyone, including USC petitioners, despite the wording of the EO, because the EO uses the word "individuals."
- FDNS seems to be using the Forms WG to attempt to obtain a significant amount of new and duplicative information from everyone, every time they submit a form, even though the operational ramifications of such actions would be astronomical.

- NSBI has consistently advocated to interpret the plain language of the EO relating to who it applies to and what is desired when implementing a program, which includes limiting the interpretation to individuals actually seeking to enter the US or who will make an admission as a result of the adjudication. This interpretation substantially limits the scope of this section of the EO to a much smaller universe of USCIS forms.
- The Interview and Forms WGs seem to be taking a much broader approach.

In conclusion, I think the most important thing is for USCIS leadership to make the determination of how this section of the EO should be interpreted and whether the scope of the WGs work should be limited only what is required by the EO or much broader, as if this is the opportunity to recommend all of the improvements that we think are beneficial.

I am including recent emails with the leads of the Interview and Forms WG for additional context.

Please let me know if you have any questions.

Thanks.

Kevin Greeley

Adjudications Officer

DHS|USCIS

Office of Policy & Strategy (OP&S)

National Security & Benefits Integrity Division (NSBI)

(b)(6)

From: Tynan, Natalie S

Sent: Thursday, February 09, 2017 12:44 PM

To: Rigdon, Jerry L; Greeley, Kevin A

Cc: Hamilton, Cristina A; Rather, Michael B

Subject: Section 4a

Hi – can you both provide talking points on your concerns related to WG activity on section 4a? We can raise them at to the FO.

Thanks,

N

Natalie S. Tynan

Senior Advisor

USCIS, Office of Policy & Strategy

20 Massachusetts Ave.

Washington, DC

(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 4:20 PM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Hello Shayla,

Thanks for the information regarding the scope of our WG's tasking. We'll look forward to learning more about DHS coordination between the various WGs.

Have a good evening,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

From: Moulton, Shayla S
Sent: Wednesday, February 08, 2017 5:11 PM
To: Rigdon, Jerry L
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Good Evening Jerry—

Thank you OP&S for that insight and analysis. We have the following understanding regarding the scope of the task:

1. There are at least three EOs;
2. One of the EOs addresses "Enhancing Public Safety in the Interior of the United States";
3. Sec. 5(d) of this Public Safety EO specifically states that aliens who "have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency" are an enforcement priority;
4. We will be more effective at identifying fraud/misrep if our forms capture more data.

The EOs are mutually reinforcing, so the working groups tasked with their implementation need to ensure outcomes are also mutually reinforcing.

Regarding our EO ("Protecting the Nation from Foreign Terrorist Entry into the United States"), Section 4(a) stipulates this:

- "The Secretary of State, the Secretary of Homeland Security...shall implement a program, as part of the adjudication process for *immigration benefits*, to identify *individuals* seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to admission." [Italics added for emphasis]

(b)(5)

The language is general and does not reference *aliens*, so the definition of 13(A) does not appear to apply here ("The terms 'admission' and 'admitted' mean, with respect to an *alien*..."). [REDACTED]

[REDACTED]

We propose having a draft product first rather than have OCC part of the initial deliberation process. This will assist in meeting our very tight schedule. We will have further updates regarding Department coordination at tomorrow's meeting.

Shayla Moulton
Special Assistant, HQFDNS Front Office
United States Citizenship and Immigration Services

[REDACTED]

(b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 11:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

Section 4(a) starts off focusing specifically on USCIS implementing "a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission."

Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission."

(b)(5)

[REDACTED]

"Admission" is defined in the INA as:

(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

Gillispie, Anna E

From: Kvortek, Lisette E
Sent: Wednesday, February 08, 2017 12:40 PM
To: Greeley, Kevin A
Cc: Kvortek, Steven P (Steve)
Subject: RE: EO Interview Working Group

Thanks Kevin. I agree with your observation on whether the WGs have a consistent understanding and interpretation of Sec 4. However, with our particular group Sec 4 is clear that we ought to look at our current interview processes in general. We have governing laws and policies in place which govern who we interview and don't, including interview waived cases. I highly recommend we don't focus on form types for the paper as it can become unwieldy and we will lose focus. How I see it, regardless if we are interpreting this section to mean those that are outside or inside the U.S., our goal is to identify interview process enhancements, which can be within any of the categories listed in the invite. These enhancements will benefit the narrow or broader interpretation of this section. I see this as an excellent opportunity for our agency as a whole to identify those short and long term goals for implementation.

To your bigger concern, perhaps your leadership may want to raise your question to the EO bi-weekly meetings. I think this will be the better audience to provide direction.

Talk soon!

Lisette Kvortek | Senior Advisor
DHS/USCIS | Field Operations Directorate |

(b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 1:23 PM
To: Kvortek, Lisette E
Cc: Kvortek, Steven P (Steve)
Subject: RE: EO Interview Working Group

Hi, Lisette. NSBI was wondering if the WG could readdress one of the possible decisions that was made in the last meeting. We think it was decided that, due to the short deadline, we should focus on those form types where we already conduct interviews.

As was noted in the meeting, some of those interviews are based on forms that don't seem to be covered under the plain language of the EO.

The EO is specifically calling for "development of a uniform screening standard and procedure, such as in-person interviews", to "identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission."

Therefore, after thinking about it some more, we wonder if the first order of business should be to determine if USCIS currently meets the stated suggestion of in-person interviews on all forms where an individual is seeking to "enter" the US or where they might pose a risk after their "admission"? However that is defined.

If seems like the overall intent of the EO is to close gaps and reduce risks. So shouldn't our first priority be to identify if there are any gaps/risks related to forms that do not currently require an interview, rather than first focusing on improving existing interviews? It seems like not conducting interviews, when potentially required or recommended by the EO, is more of a risk than conducting non-uniform or non-standard interviews that could benefit from improvements.

We just wanted to make sure that we had sufficiently examined the top priority in complying with this EO.

Also, OP&S raised to the Forms WG today the issue of whether all the WGs should have a consistent understanding and interpretation of what the beginning language of Section (4)(a) says. If all WGs don't have a consistent understanding, the end results will be an inconsistent analysis that is supposed to result in a uniform standard and procedure.

Thanks for considering this and sorry that this wasn't raised during the first meeting.

Kevin Greeley

Adjudications Officer

DHS|USCIS

Office of Policy & Strategy (OP&S)

National Security & Benefits Integrity Division (NSBI)

(b)(6)

From: Kvortek, Lisette E

Sent: Wednesday, February 08, 2017 10:57 AM

To: Thomas, Ronnie D; Padilla, April Y; Cox, Sophia; Slattery, Shannon E; Connor, Alina M; Benavides, Jaime L; Schaffer, Timothy L; Rosenstock, Peter L; Goudge, Laurie A; Akinjola, Folukemi O (Kemi); Turo, Karen M; Wilson, Lynn M; Carter, Pea Meng; Lauver, Tinnina M (Tina); Saucier, Hillary W; Dunn, Maureen A; Kvortek, Steven P (Steve); Greeley, Kevin A; Linnan, Raymond J; Short, Gina L; Hess, Ellen; Ginzburg, Roman; Sohonyay, Simon P; Miller, Richard L; Chiorazzi, Anne; Micker, Jennifer N

Subject: EO Interview Working Group

Greetings:

Attached please find:

1. Updated working group member list
2. PP deck
3. Recommendation template for submission of drafts
4. List of the various working groups

My apologies for the large emails. I hope to have an ECN page set up soon.

Best,

Lisette Kvortek | Senior Advisor
DHS|USCIS| Field Operations Directorate

(b)(6)

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Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 4:23 PM
To: Tynan, Natalie S; Rather, Michael B
Cc: Deshommes, Samantha L; Levine, Laurence D
Subject: FW: Clarification on Scope of Section 4a

Natalie and Mike,

Please see below for the response from Shayla Moulton regarding the scope of the Forms WG. It was worth a shot, but the call is that this requirement could potentially impact any Form.

Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

(b)(6)

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Sent: Wednesday, February 08, 2017 5:11 PM
To: Rigdon, Jerry L
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
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(b)(5)

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Special Assistant, HQFDNS Front Office
United States Citizenship and Immigration Services

(b)(5)

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"Admission" is defined in the INA as:

(b)(5)

(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

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The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 4:23 PM
To: Tynan, Natalie S; Rather, Michael B
Cc: Deshommes, Samantha L; Levine, Laurence D
Subject: FW: Clarification on Scope of Section 4a

Natalie and Mike,

Please see below for the response from Shayla Moulton regarding the scope of the Forms WG. It was worth a shot, but the call is that this requirement could potentially impact any Form.

Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

 (b)(6)

From: Moulton, Shayla S
Sent: Wednesday, February 08, 2017 5:11 PM
To: Rigdon, Jerry L
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Good Evening Jerry—

Thank you OP&S for that insight and analysis. We have the following understanding regarding the scope of the task:

1. There are at least three EOs;
2. One of the EOs addresses "Enhancing Public Safety in the Interior of the United States";
3. Sec. 5(d) of this Public Safety EO specifically states that aliens who "have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency" are an enforcement priority;
4. We will be more effective at identifying fraud/misrep if our forms capture more data.

The EOs are mutually reinforcing, so the working groups tasked with their implementation need to ensure outcomes are also mutually reinforcing.

Regarding our EO ("Protecting the Nation from Foreign Terrorist Entry into the United States"), Section 4(a) stipulates this:

- "The Secretary of State, the Secretary of Homeland Security...shall implement a program, as part of the adjudication process for *immigration benefits*, to identify *individuals* seeking to enter the United States on a

fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to admission." [Italics added for emphasis]

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The language is general and does not reference *aliens*, so the definition of 13(A) does not appear to apply here ("The terms 'admission' and 'admitted' mean, with respect to an *alien*...").

We propose having a draft product first rather than have OCC part of the initial deliberation process. This will assist in meeting our very tight schedule. We will have further updates regarding Department coordination at tomorrow's meeting.

Shayla Moulton
Special Assistant, HQFDNS Front Office
United States Citizenship and Immigration Services

(b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 11:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

Section 4(a) starts off focusing specifically on USCIS implementing "a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission."

Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission."

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To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Hello Shayla,

Thanks for the information regarding the scope of our WG's tasking. We'll look forward to learning more about DHS coordination between the various WGs.

Have a good evening,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

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Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

(b)(6)

Gillispie, Anna E

From: Farnam, Julie E
Sent: Friday, February 03, 2017 10:20 AM
To: Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Attachments: EO Forms List (TENTATIVE) FEB 2 2017 V3.pdf

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

"This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services



(b)(6)

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Gillispie, Anna E

From: Valverde, Michael
Sent: Friday, February 03, 2017 10:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. A process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E

Sent: Friday, February 03, 2017 11:20 AM

To: Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services



(b)(6)

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Sent: Friday, February 03, 2017 12:04 PM
To: Hamilton, Cristina A; Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

It's unclear, but we're thinking it may well encompass those kinds of benefits (asylum, ref, etc.), too – or at least don't see clearly why it wouldn't. So, from our perspective, in the early phases at least and as the scope is being defined, we would like to participate, too.

From: Hamilton, Cristina A
Sent: Friday, February 03, 2017 12:07 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

NSBI should definitely participate, but I think also someone from Mark's team as it would seem to be natz and adjustment. Not sure if it goes beyond those benefit types to include asylum/refugee.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

 (b)(6)

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From: Levine, Laurence D
Sent: Friday, February 03, 2017 12:00 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S – not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief

(b)(6)

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From: Valverde, Michael

Sent: Friday, February 03, 2017 11:57 AM

To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy

Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L

Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. A process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E

Sent: Friday, February 03, 2017 11:20 AM

To: Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron);

Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

"This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS

Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services



(b)(6)

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Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which ODP can provide the amended form instruments; and the speed with which IT and ODP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and ODP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECR, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam


*Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy*

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 1:19:08 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Prelogar, Brandon B

Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[REDACTED]

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday-morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services

Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 8:00 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:56:01 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]
[REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry (b)(5) into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

POLICY: It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

GENERAL OBJECTIVES:

- Be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public safety threat.	Immediate		

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	<ol style="list-style-type: none"> 1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the ?? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) and G-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	<p>Implement Program as part of adjudications process to include development of:</p> <ul style="list-style-type: none"> Uniform screening standard and procedure, such as interviews Database Amended Application Forms Mechanism Process Mechanism 	<ul style="list-style-type: none"> To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants To add questions aimed at identifying fraudulent answers and malicious intent To ensure applicant is who the applicant claims to be To evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S. 	Initial progress report due within 60 days of Jan 27		<ol style="list-style-type: none"> Do we need to take any actions prior to the "plan" described in section four being developed and implemented? Who is responsible for developing the plan? Might this functionality (database to collect identity documents) already exist and be implemented? Would these (amended application forms) be internal worksheets and not OMB cleared changes to existing forms? (Regarding mechanism to ensure applicant's claimed identity) Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	Review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis only so long as they determine that the admission of such individuals as refugees is in the national interest – including when the person is a religious minority in his country of nationality	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	Number of foreign nationals in the United States who have been: <ul style="list-style-type: none"> • charged with terrorism-related offenses while in the United States; • convicted of terrorism-related offenses while in the United States; • removed from the United States based on terrorism- 	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			<p>related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons</p> <ul style="list-style-type: none"> • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses 			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2]

Deshommes, Samantha L

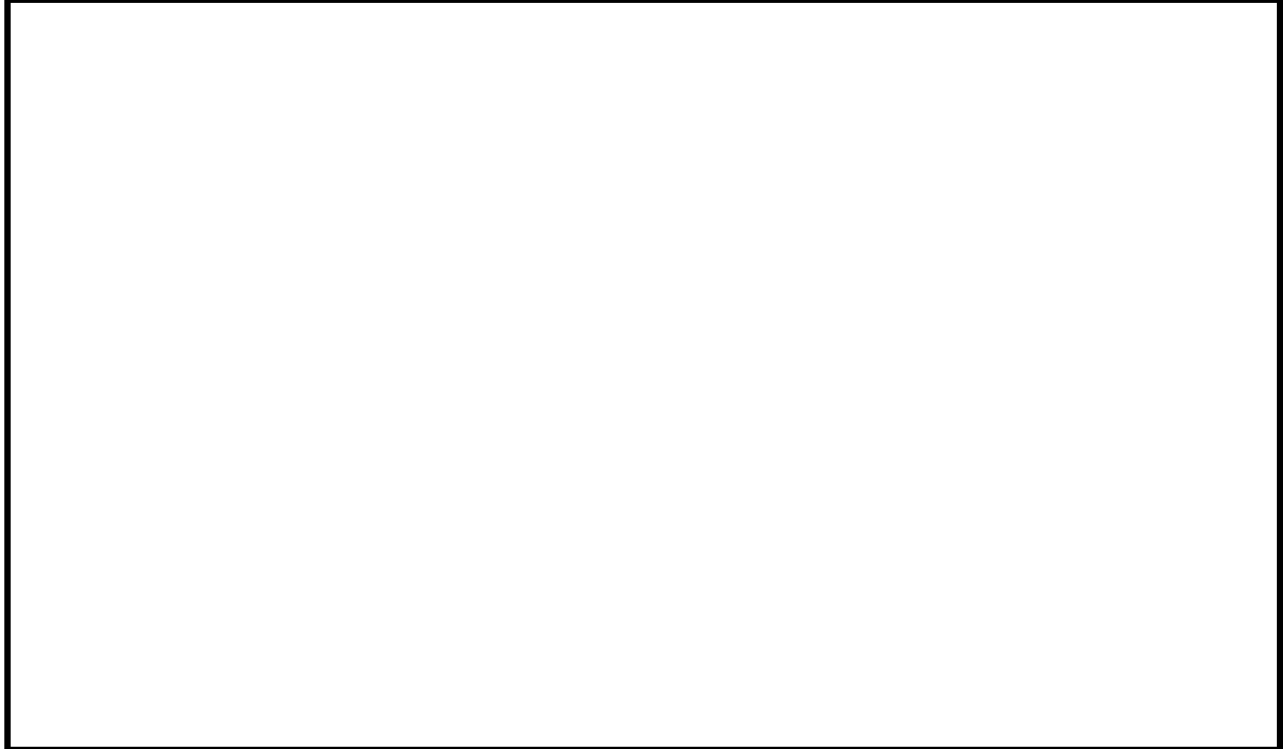
1/29/2017 3:36:00 PM



Page 3: [2] Comment [SLD3]

Deshommes, Samantha L

1/29/2017 3:11:00 PM



(b)(5)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Monday, January 30, 2017 6:31 AM
To: Groom, Molly M; Slattery, Shannon E; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D; Tynan, Natalie S; Rather, Michael B; Deshommes, Samantha L
Subject: RE: Executive Order

+ Natalie, Mike and Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED] (b)(6)

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From: Groom, Molly M
Sent: Monday, January 30, 2017 7:28 AM
To: Slattery, Shannon E; Levine, Laurence D; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D
Subject: RE: Executive Order

Plus Phil, Ania and Philip

From: Slattery, Shannon E
Sent: Sunday, January 29, 2017 11:24:08 PM
To: Levine, Laurence D; Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Executive Order

+ Lisette Kvortek and Julie Farnam

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms, if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).

Steps and qualifications for emergency OMB approval:

- 1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
- 2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with ODP and Office of Privacy
- 3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
- 4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.

As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:

- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)


From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order


Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM

To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael

Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[REDACTED]
From: Ruppel, Joanna

(b)(6)

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel

Chief, International Operations Division

U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 8:00 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

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Cc: Renaud, Tracy L
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Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

[REDACTED] (b)(5)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED]

We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 9:04 AM
To: Cummings, Kevin J; Parascandola, Ciro A; Levine, Laurence D
Subject: RE: Executive Order

I agree guys. The major questions that come to mind are legal and operational. We should be prepared to put some of them forward, but from a policy perspective we are going to have to wait for that guidance before we know what direction to take.

Having said that, it is worth looking at forms because I am sure we will have to make revisions to include vetting questions such as social media. Again though, the vetting aimed at national interest and benefit to this country change the adjudication of petitions.

I appreciate your thoughts so please share as things come up! Clearly this is fluid.

N

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 9:57:36 AM
To: Parascandola, Ciro A; Levine, Laurence D
Cc: Tynan, Natalie S
Subject: RE: Executive Order

I completely agree. Legal decisions/interpretations are key at the outset.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 9:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you

anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D

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To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Phillips, Mark

Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

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Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(5)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

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O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Fraud Detection and National Security Directorate
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111 Massachusetts Avenue, NW
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(b)(6)

Gillispie, Anna E

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Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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(b)(5)

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 1:43 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommies, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS

 (b)(6)

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
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(b)(6)

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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DHS USCIS
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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[Redacted]

(b)(6)

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Chief, International Operations Division
U.S. Citizenship and Immigration Services
[Redacted]

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

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To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
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(b)(5)

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED]
(b)(5)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 12:19 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: StayOrder.pdf

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
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From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

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All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

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Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

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Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

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2. Should we deschedule oath ceremonies for individuals from the 7?
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5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 8:00 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:56:01 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]
[REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[REDACTED] (b)(5)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
:
HAMEED KHALID DARWEESH and
HAIDER SAMEER ABDULKHALEQ
ALSHAWI, on behalf of themselves and others
similarly situated,

Petitioners,

- against -

DONALD TRUMP, *President of the United*
States; U.S. DEPARTMENT OF
HOMELAND SECURITY ("DHS"); U.S.
CUSTOMS AND BORDER PROTECTION
("CBP"); JOHN KELLY, *Secretary of DHS;*
KEVIN K. MCALEENAN, *Acting*
***Commissioner of CBP;* JAMES T.**
MADDEN, *New York Field Director, CBP,,*

Respondents.
----- X

ANN DONNELLY, District Judge.

On January 28, 2017, the petitioners filed an Emergency Motion for Stay of Removal on behalf of themselves and others similarly situated.

IT APPEARING to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and the hearing held on the 28th of January, 2017,

1. The petitioners have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

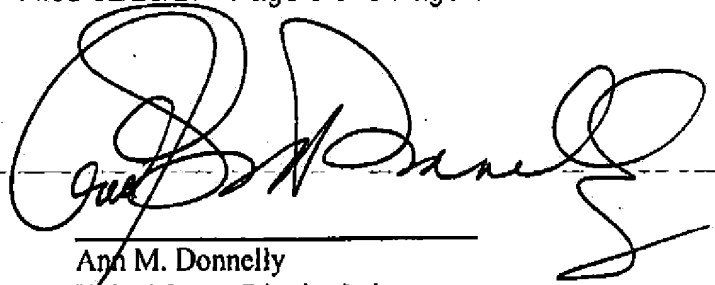
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for Stay of Removal.

WHEREFORE, IT IS HEREBY ORDERED that the respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, are

ENJOINED AND RESTRAINED from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

SO ORDERED.

A large, stylized handwritten signature in black ink, appearing to read 'Ann M. Donnelly', is written over a horizontal line.

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
January 28, 2017

Gillispie, Anna E

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 12:11 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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(b)(5)

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Office of Policy and Strategy, U.S. Citizenship and Immigration Services
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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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USCIS, Office of Policy & Strategy

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U.S. Citizenship and Immigration Services
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Field Operations Directorate | U.S. Citizenship and Immigration Services

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person.

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson


Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:47 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks K - an N-400 and N-600 ceremony went forward yesterday and they are working to clear guidance about allowing citizenship cases to proceed, but of course I don't really know the details of what that means or who it applies to.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 11:37:37 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition

or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L;

Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

(b)(6)

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Sent: Saturday, January 28, 2017 9:54 AM
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Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

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Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

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Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lissette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.


Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y.
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 9:35:13 AM

To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

 (b)(6)

From: Phillips, Mark

Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S

Sent: Sunday, January 29, 2017 8:58:25 AM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y

Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E

Sent: Sunday, January 29, 2017 7:51:47 AM

To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security



(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division

USCIS Office of Policy and Strategy

Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine

Acting Chief

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security


(b)(6)

From: Deshommes, Samantha L

Sent: Saturday, January 28, 2017 11:18:11 PM

To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes

Chief, Regulatory Coordination Division

[REDACTED]
(b)(6)

From: Levine, Laurence D

Sent: Saturday, January 28, 2017 8:28:08 PM

To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Renaud, Daniel M

Sent: Saturday, January 28, 2017 12:34:16 PM

To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M

Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E

Sent: Saturday, January 28, 2017 12:16:07 PM

To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery

Field Operations Directorate | U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[REDACTED] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
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To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person.

We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 10:19 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I haven't seen anything else Kathryn


N

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48:25 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security


(b)(6)

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To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

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To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

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Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the

date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[REDACTED]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

 (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more

urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b) (6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications

on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the “highlights”):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of “blocked” countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for

refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission

do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in

subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration

benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in

conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of

State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with

applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 7:58 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)



(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not

forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson

Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Cummings, Kevin J

Sent: Sunday, January 29, 2017 6:30 AM

To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D

Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S

Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[REDACTED]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).

Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lissette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

 (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lissette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [REDACTED]

[REDACTED]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [REDACTED] (b)(5)

[REDACTED] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:22 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: RE: Two Questions

I forgot to note - #2 below includes a directive to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest.

(b)(5)

N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 8:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D ((b) (6)); Rather, Michael B
Subject: FW: Two Questions

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the “highlights”):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs A program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. Refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.
4. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.
7. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)